



# CJA COMPENSATION POLICY MANUAL

**[September 2003]**

*As Amended by MGO 905 dtd December 13, 2004; MGO 05-02 dtd January 26, 2005; MGO 09-03 dtd April 10, 2009; MGO 09-07 dtd June 29, 2009; MGO 10-04 dtd June 8, 2010; MGO 10-12 dtd October 20, 2010; MGO 11-02 dtd March 4, 2011; MGO 12-11 dtd December 28, 2012; MGO 13-04 dtd May 29, 2013; MGO 14-03 dtd May 22, 2014; MGO 15-09 dtd July 13, 2015*

## TABLE OF CONTENTS

PART I — INTRODUCTION.....	1
PART II — APPOINTMENT OF PANEL ATTORNEYS AND ISSUANCE OF INITIAL eVOUCHER. ....	1
§ 2.1 <i>Appointment</i> .....	1
(a) <b>Origination of eVoucher</b> .....	1
(b) <b>Notification</b> . ....	1
§ 2.2 <i>Processing of eVouchers</i> .....	1
(a) <b>eVoucher Submission</b> . ....	1
(b) <b>Payment Order</b> . ....	1
§ 2.3 <i>Confidentiality of CJA Documents</i> . ....	2
(a) <b>Nondisclosure</b> .. ....	2
(b) <b>Sealed Document</b> . ....	2
(c) <b>CJA Documents in Possession of CJA Administrator</b> .....	2
PART III — ATTORNEYS' COMPENSATION AND RECORD KEEPING. ....	2
§ 3.1 <i>In General</i> . ....	2
(a) <b>Least Expensive Alternative</b> . ....	2
(b) <b>Attorney Conferences</b> . ....	3
(c) <b>Waiting Time</b> . ....	3
(d) <b>Incremental Reporting</b> . ....	3
§ 3.2 <i>Records</i> .....	3
(a) <b>Maintaining Time Records</b> .....	3
(b) <b>Receipts/Invoices</b> . ....	3
(c) <b>Retention</b> . ....	3
§ 3.3 <i>Detailed Entries</i> . ....	3
(a) <b>Individual Task Entries</b> . ....	3
(b) <b>In-Court/Out-of-Court</b> . ....	3
(c) <b>Detail</b> . ....	4
(d) <b>No Aggregation</b> .....	4
(e) <b>Document Review Time</b> . ....	4
(f) <b>Legal Research Time</b> .....	4
§ 3.4 <i>Recycling</i> .. ....	5
(a) <b>Compensation for Original Work Only</b> . ....	5
(b) <b>Adaptation Time</b> . ....	5
§ 3.5 <i>Maximum Amounts</i> .....	5
(a) <b>Amounts</b> . ....	5
(b) <b>Approval of Excess Amounts</b> . ....	5
(c) <b>Declarations</b> . ....	5
§ 3.6 <i>Multiple Defendants, Indictments or Counts</i> . ....	5
(a) <b>Cross-Reference of eVouchers</b> . ....	5
(b) <b>Multiple Indictments/Counts</b> . ....	5
(c) <b>Time Allocation</b> . ....	6
§ 3.7 <i>Use of Associates, Paraprofessionals and Law Clerks</i> . ....	6
(a) <b>Appearances by Appointed Attorney</b> . ....	6
(b) <b>Use of Associates</b> .....	6

(c) <b>Use of Paraprofessionals/Law Clerks.</b>	6
(d) <b>Aggregate Time.</b>	6
(e) <b>Billings for Associate Attorneys.</b>	7
(f) <b>Billings for Paralegals/Law Clerks.</b>	7
§ 3.8 <i>Submission and Processing of CJA Documentation.</i>	7
(a) <b>In General.</b>	7
(b) <b>Attorney's Certification.</b>	8
PART IV — CJA 20: NON-CAPITAL CASES.	8
§ 4.1 <i>Instructions.</i>	8
§ 4.2 <i>Standard Cases.</i>	8
§ 4.3 <i>Complex or Extended Cases/Interim Payments.</i>	8
(a) <b>Interim Payments.</b>	8
(b) <b>Requests.</b>	8
(c) <b>Circuit Approval.</b>	8
(d) <b>Criteria.</b>	8
(e) <b>Withholding from Interim Payments.</b>	9
§ 4.4 <i>Multi-Defendant Cases.</i>	9
(a) <b>Coordination by Appointed Attorneys.</b>	9
(b) <b>Coordinating CJA Counsel.</b>	9
§ 4.5 <i>Supplemental Claims.</i>	9
§ 4.6 <i>Case Budgeting.</i>	10
(a) <b>When Required.</b>	10
(b) <b>Initial Case Review.</b>	10
(c) <b>Submission of Budgets.</b>	10
(d) <b>Effect of Approved Budget.</b>	10
(e) <b>Ex parte Pretrial Conferences.</b>	10
(f) <b>Referral to Magistrate Judge.</b>	10
(g) <b>Circuit Approval.</b>	11
PART V — CJA 30: CAPITAL CASES.	11
PART VI — EVOUCHER REVIEW.	11
§ 6.1 <i>In General.</i>	11
§ 6.2 <i>Review by CJA Administrator.</i>	11
(a) <b>General.</b>	11
(b) <b>Return and Re-submission.</b>	11
§ 6.3 <i>Approval by Court.</i>	11
(a) <b>General.</b>	11
(b) <b>Approval by Magistrate Judge.</b>	11
(c) <b>Approval by District Judge.</b>	12
(d) <b>Reductions.</b>	12
(e) <b>Decisions.</b>	13
(f) <b>Approval of Amounts in Excess of Statutory Maximums.</b>	13
§ 6.4 <i>Review by CJA Advisory Committee.</i>	13
(a) <b>Request for Review.</b>	13
(b) <b>Submission.</b>	13

(c) <b>Procedure.</b> . . . . .	13
(d) <b>Investigation/Standards.</b> . . . . .	14
(e) <b>Confidentiality.</b> . . . . .	14
(f) <b>Action by Presiding Judge.</b> . . . . .	14
PART VII — REIMBURSABLE EXPENSES. . . . .	15
§ 7.1 <i>General.</i> . . . . .	15
(a) <b>CJA 20/30.</b> . . . . .	15
(b) <b>Duty to Negotiate Rates.</b> . . . . .	15
(c) <b>Maximums.</b> . . . . .	15
§ 7.2 <i>Supporting Documentation.</i> . . . . .	15
(a) <b>Itemization/Documentation.</b> . . . . .	15
(b) <b>Submission of Receipts.</b> . . . . .	15
§ 7.3 <i>Outside Counsel.</i> . . . . .	16
(a) <b>In General.</b> . . . . .	16
(b) <b>Separate Billing Required.</b> . . . . .	16
(c) <b>Obtaining Pre-approval.</b> . . . . .	16
§ 7.4 <i>Paraprofessionals/Law Clerks/Law Students.</i> . . . . .	16
(a) <b>Rates.</b> . . . . .	16
(b) <b>Tasks Reimbursed at Paraprofessional Rate.</b> . . . . .	16
(c) <b>Separate Billing Required.</b> . . . . .	16
(d) <b>Obtaining Pre-approval.</b> . . . . .	16
§ 7.5 <i>Computerized Legal Research.</i> . . . . .	17
§ 7.6 <i>Photocopying.</i> . . . . .	17
(a) <b>In-House.</b> . . . . .	17
(b) <b>Outside Services.</b> . . . . .	17
§ 7.7 <i>Facsimile and Telephone.</i> . . . . .	17
(a) <b>Toll Charges.</b> . . . . .	17
(b) <b>Facsimile.</b> . . . . .	17
(c) <b>Supporting Documentation.</b> . . . . .	17
§ 7.8 <i>Postage.</i> . . . . .	17
§ 7.9 <i>Messengers/Couriers/Express Delivery Services.</i> . . . . .	18
§ 7.10 <i>Fact Witnesses.</i> . . . . .	18
§ 7.11 <i>State Court/Other Ancillary Matters.</i> . . . . .	18
§ 7.12 <i>Interim Reimbursement.</i> . . . . .	18
§ 7.13 <i>Non-Reimbursable Expenses.</i> . . . . .	18
PART VIII — REIMBURSABLE FEES FOR EXPERTS AND OTHER SERVICE PROVIDERS. . . . .	19
§ 8.1 <i>CJA 21 (Non-Death Penalty Cases).</i> . . . . .	19
(a) <b>Instructions.</b> . . . . .	19
(b) <b>One-Time Expert/Service Provider.</b> . . . . .	19
(c) <b>Continued Use of Experts/Service Providers.</b> . . . . .	20
§ 8.2 <i>Funding Requests for Services Exceeding Maximums.</i> . . . . .	20
(a) <b>Maximums.</b> . . . . .	20
(b) <b>Prior Authorization Required.</b> . . . . .	20
(c) <b>Rates.</b> . . . . .	20

§ 8.3	<i>Funding Request.</i>	20
(a)	<b>General.</b>	20
(b)	<b>Requirements.</b>	20
(c)	<b>Attorneys Declaration.</b>	20
§ 8.4	<i>No Payments in Excess of Amount Authorized.</i>	21
(a)	<b>Authorized Amount.</b>	21
(b)	<b>Responsibilities of Counsel.</b>	21
§ 8.5	<i>Expert and Service Provider eVouchers.</i>	21
(a)	<b>Necessity of Funding Order.</b>	21
(b)	<b>Responsibilities of Counsel.</b>	21
§ 8.6	<i>Investigators.</i>	22
§ 8.7	<i>Interpreters.</i>	22
(a)	<b>In-Court Interpreters.</b>	22
(b)	<b>CJA Rate for Out-of-Court Interpreting Services.</b>	22
(c)	<b>Payment.</b>	22
§ 8.8	<i>Psychiatrists, Psychologists.</i>	23
§ 8.9	<i>Depositions.</i>	23
(a)	<b>Cases in Which the United States is a Party.</b>	23
(b)	<b>Cases in Which the United States is not a Party.</b>	23
§ 8.10	<i>Transcripts of Proceedings in District Court Cases.</i>	23
(a)	<b>Payment in General.</b>	23
(b)	<b>Format.</b>	23
(c)	<b>Multi-Defendant Cases.</b>	23
§ 8.11	<i>Procedure for Requesting a Transcript.</i>	24
(a)	<b>Completion of CJA Form 24.</b>	24
(b)	<b>Processing.</b>	24
(c)	<b>Billing and Payment.</b>	24
§ 8.12	<i>Transcripts for Appeals.</i>	24
(a)	<b>Policy.</b>	24
(b)	<b>Processing for Payment.</b>	25
§ 8.13	<i>Recordings of Proceedings in Magistrate Judge Cases.</i>	25
(a)	<b>No Fee.</b>	25
(b)	<b>Written Transcript.</b>	25
(c)	<b>Cost Comparison.</b>	25
§ 8.14	<i>Non-Court Transcript.</i>	25
PART IX	— APPOINTED ATTORNEY & EXPERT TRAVEL.	25
§ 9.1	<i>Travel Time.</i>	25
(a)	<b>General.</b>	25
(b)	<b>Method of Travel.</b>	26
(c)	<b>Appointed Attorney Time.</b>	26
(d)	<b>Experts and Investigators.</b>	26
(e)	<b>Travel Time Guidelines (Non-Local).</b>	26
(f)	<b>Local Travel Time.</b>	27
(g)	<b>Allocation of Travel Time.</b>	27
(h)	<b>Other Use of Travel Time.</b>	28

§ 9.2	<i>How to Claim Expenses.</i>	28
§ 9.3	<i>Mileage, Tolls and Parking.</i>	28
	(a) <b>Daily Travel.</b>	28
	(b) <b>Privately Owned Vehicle.</b>	28
	(c) <b>Other Reimbursable Costs.</b>	28
§ 9.4	<i>Air and Overnight Travel.</i>	28
	(a) <b>Advance Approval Required.</b>	28
	(b) <b>Government Rates.</b>	28
	(c) <b>Request and Processing.</b>	29
	(d) <b>Unused Tickets.</b>	29
	(e) <b>Non-Government Special Fares.</b>	29
	(f) <b>Travel Route.</b>	30
	(g) <b>Rental Cars.</b>	30
	(h) <b>Frequent Traveler Programs.</b>	30
§ 9.5	<i>Meals and Lodging/Per Diem Rates.</i>	30
	(a) <b>Expenses in Excess of Federal Per Diem Rates.</b>	30
	(b) <b>Meals.</b>	31
§ 9.6	<i>Travel Expense Documentation.</i>	31
	(a) <b>Necessary Attachments to eVoucher.</b>	31
	(b) <b>Receipts Required.</b>	31
PART X	AUTHORIZATION OF EXPENDITURES.	31
§ 10.1	<i>Initial Authorization.</i>	31
§ 10.2	<i>Additional Expenses.</i>	32
	(a) <b>Pre-Authorization Required.</b>	32
	(b) <b>Funding Orders.</b>	32
	(c) <b>Delegation of Authority to Magistrate Judges.</b>	32
	(d) <b>Failure to Obtain Prior Approval.</b>	33
PART XI	1099 REPORTING.	33
	APPENDICES	
Appendix 1	General Guidelines/Instructions for Completing CJA eVouchers	
Appendix 2	Compensation Maximums	
Appendix 3	Maximum Hourly Rates (Non-Attorney)	
Appendix 4	Excess Compensation Justification Guidelines (CJA 26A)	
Appendix 5	Instructions for Completing CJA 20	
Appendix 6	Instructions for Completing CJA 21	
Appendix 7	Memorandum for Advance Authorization	
Appendix 8	Information Sheet for Experts and Other Service Providers	
Appendix 9	Summary Chart Responsibility for Payment of Psychiatric and Related Expert Services	
Appendix 10	Instructions, Authorization and eVoucher for Payment of Transcript (CJA Form 24)	
Appendix 11	CJA <i>Ex Parte</i> Travel Request and Order	
Appendix 12	Travel Authorization Memorandum	
Appendix 13	Statement of Total Time and Charges	

## PART I — INTRODUCTION

This policy manual has been prepared to inform CJA panel attorneys of the Court's procedures and provide an understanding of the eVoucher review process. It also sets forth general guidance on reimbursable expenses and compensable time. Answers to questions concerning appointment under the Criminal Justice Act can generally be found in: (1) 18 U.S.C. §§ 3006A, 3599; (2) the *Plan for Implementing the Criminal Justice Act of 1964 (as Amended)* 18 U.S.C. § 3006A for the United States District Court, District of Alaska; and (3) *Guide to Judiciary Policy & Procedures*, Vol. 7, *Appointment of Counsel in Criminal Cases*, Section A *Guidelines for the Administration of the Criminal Justice Act and Related Statutes*, published by the Administrative Office of the United States Courts (referred to herein as *CJA Guidelines*). These sources are available through the Federal Public Defenders Office and the library of the United States District Court, and accessible on-line through the CJA Section of the court's website [www.akd.uscourts.gov](http://www.akd.uscourts.gov). Should these references fail to provide the desired clarification or direction, the panel attorney should address inquiries to the CJA Administrator in the Office of the Federal Public Defender.

## PART II — APPOINTMENT OF PANEL ATTORNEYS AND ISSUANCE OF INITIAL eVOUCHER

### § 2.1 Appointment.

(a) **Origination of eVoucher.** Upon notification by the court of the determination of need for counsel—including the defendant's name, the charges, follow-up court dates, and a copy of the court order appointing panel counsel—the CJA Administrator enters the appointment into the CJA eVoucher system.

(b) **Notification.**

(1) It is generally the responsibility of the CJA Administrator to notify appointed attorneys of the appointment and the first appearance date.

(2) [A] Thereafter, the Clerk of the Court provides copies of minute orders and pertinent court dates directly to the appointed attorney.

[B] The CJA Administrator is only copied by the Clerk of the Court with court orders or minutes related to CJA administration.

(3) Where compensation or reimbursable expenses are a subject, it is the responsibility of the appointed attorney to timely provide the CJA Administrator with a copy of all documents filed directly with the Clerk of the Court.

### § 2.2 Processing of eVouchers.

(a) **eVoucher Submission.**

(1) The appointed attorney prepares and electronically submits a completed CJA eVoucher to the CJA Administrator after a judgment has been filed or a case adjudicated.

(2) The CJA Administrator processes the eVoucher as provided in § 6.2.

(3) If the eVoucher exceeds the maximums allowable, after approval by the presiding judge the CJA Administrator forwards the eVoucher to the Chief Judge of the U.S. Court of Appeals for the Ninth Circuit (or designated circuit judge) for approval.

(b) **Payment Order.** Upon approval by the presiding judge and, if applicable, the appropriate judge of the Ninth Circuit—

(1) The CJA Administrator will input the CJA eVoucher into the automated payment accounting system; and

(2) Another FPD employee will review the input for accuracy and approve the payment for electronic processing.

### § 2.3 Confidentiality of CJA Documents.

#### (a) **Nondisclosure.**

(1) [A] All CJA documents, with the exception of the CJA 23 Form, are filed in the confidential CJA financial files maintained by the Clerk's Office and the CJA Administrator whether or not a previous sealing order has been entered.

[B] CJA documents include eVouchers (CJA forms 20, 21, 24, 30 and 31), supporting documentation, budget plans, funding requests and authorizations, interim payment orders, and travel requests and orders and in capital habeas corpus cases where the appropriate statutory standard has been met for confidentiality under 18 U.S.C. § 3599(f).

[C] Unless sealed by order of the court, the CJA 23 (Financial Affidavit) Form will be maintained in the court's public files.

(2) CJA documents maintained by the Clerk and the CJA Administrator will not be disclosed to the public except as provided by statute, the *CJA Guidelines*, or by order of the court.

(b) **Sealed Document.** *There is no need for an attorney to request sealing of CJA documents.* All CJA documents defined in ¶ 2.3(a)(1) are maintained in confidential files and, unless otherwise ordered by the court, are filed under seal.

(1) To assist the Clerk's Office staff in recognizing CJA related documents, the appointed attorney should ensure that any pleading directly related to CJA administration includes CJA in the title of the document.

(2) If the appointed attorney does not want opposing counsel to be served with CJA documents, the title of the document must clearly state "CJA *Ex Parte* Under Seal."

(c) **CJA Documents in Possession of CJA Administrator.** Upon preparation by or submission to the CJA Administrator, all CJA documents defined in ¶ 2.3(a)(1) while in the possession, custody, or control of the CJA Administrator are confidential court documents under seal, the disclosure of which is governed by ¶ 2.3(a)(2).

## PART III — ATTORNEYS' COMPENSATION AND RECORD KEEPING

### § 3.1 *In General.*

(a) **Least Expensive Alternative.** Appointed attorneys are expected to assist the court in finding the least expensive reasonable method to provide high quality legal and other services to indigent defendants.

(1) Appointed attorneys will **not** be compensated for work performed by attorneys that could or should be performed by other less expensive authorized staff (e.g., paraprofessionals, law clerks, etc.).

(2) Whenever appropriate, without compromising the quality of the work, the services that are performed should be performed by the least expensive, competent staff member authorized



by the court and capable of performing the work. For example, lawyers should not expend time for court filings, service of papers, file organization, photocopying, mailing, faxing, *etc.* ***Attorneys will not be compensated for secretarial tasks.***

**(b) Attorney Conferences.**

(1) If an appointed attorney associates another attorney within the same firm on an appointed case, the attorneys will not be compensated for time conferencing with each other.

(2) If two attorneys are appointed, conferencing will be approved for limited and reasonable expenditures of time.

**(c) Waiting Time.**

(1) Reasonable waiting-time will be compensated; however, the court will not compensate an appointed attorney for foreseeable waiting time during which the appointed attorney could have been working on other matters unless justification is provided explaining why the charge is being incurred.

(2) A reasonable "review/preparation" time before a meeting or appearance is an appropriate charge, even though such "review/preparation" is conducted while waiting.

(3) [A] When the appointed attorney is aware that waiting time may be substantial (*e.g.*, waiting for conferences with the client or the return of a jury) the appointed attorney should have other work to occupy the time.

[B] Compensation may **NOT** be claimed for waiting time where work on other matters is performed during the same time period.

**(d) Incremental Reporting.** Time for work performed by attorneys must be reported in tenths of an hour. eVouchers submitted that record time in quarter hour segments will be returned by the CJA Administrator for resubmission in tenth of an hour segments.

**§ 3.2 Records.**

**(a) Maintaining Time Records.** Attorneys must maintain contemporaneous time and attendance records for all work performed, including work performed by associates, partners, paraprofessionals, and law clerks, as well as expense records.

**(b) Receipts/Invoices.** Whenever a copy of a receipt, invoice or similar document is submitted in support of an eVoucher, the appointed attorney must retain the original of the document in the attorney's files and produce the original upon the request of the court or CJA Administrator.

**(c) Retention.** These records, which may be subject to audit, must be retained for three (3) years after approval of the final eVoucher for an appointment.

**§ 3.3 Detailed Entries.**

**(a) Individual Task Entries.** Each entry must reflect discrete individual tasks and not simply list multiple tasks performed in a specified block of time.

**(b) In-Court/Out-of-Court.**

(1) "In-Court" time includes only that time actually spent in-court from not more than five (5) minutes prior to the scheduled time for commencement of the court hearing or trial as

reflected on the court calendar until not more than five (5) minutes after the hearing or trial is adjourned as reflected on the court minutes of the proceeding.

(2) [A] Short or customary recesses may be included in in-court time, but time after adjournment for lunch or the day are not compensable unless otherwise compensable as out-of-court time.

[B] Time spent in-court awaiting return of a jury may be claimed as in-court time to the extent the time is reasonably necessary.

(3) Time spent in matters, even if connected to a hearing or trial, that is not properly included as in-court time, *e.g.*, interviewing witness, consulting with the client, opposing or co-counsel, must be reported as out-of-court time.

(c) **Detail.** Information should be provided in sufficient detail to permit meaningful review, without violation of the canons of ethics or disclosure of attorney work product including, but not limited to:

(1) Identifying witnesses interviewed (if in the opinion of the appointed attorney it is inappropriate to provide the name of a witness, identification by type of witness, *e.g.*, “guilt phase witness #1” is sufficient) and topic of interview (a simple description of the general topic of discussion, not specific details, is required);

(2) Identifying persons involved in telephone conversations or conferences and topics discussed (a simple description of the general topic of discussion, not specific details, is required);

(3) Specific issues or topics researched; and

(4) Identification of documents reviewed or prepared, including transcripts and pleadings drafted or reviewed, by title and page numbers; and, if necessary for an understanding of the task, explanation of its relevance to the federal proceedings.

(5) ***See Appendix 1 for examples and additional guidance.***

(d) **No Aggregation.**

(1) Aggregating time into blocks or use of vague or ambiguous entries will not be approved for payment.

(2) eVouchers having a level of detail insufficient for auditing purposes will be returned to the appointed attorney for resubmission with adequate detail.

(e) **Document Review Time.** It is expected that attorneys will review discovery and other factual based documents at a rate of not less than 60 pages per hour. If time exceeds this guideline, an explanation must be attached.

(f) **Legal Research Time.**

(1) Compensation will be paid for reasonable and necessary research related to the case.

(2) Each CJA panel attorney is expected to have a basic knowledge of federal criminal law and procedure and time spent becoming familiar with or reviewing such items as the Federal Rules of Criminal Procedure, Local Criminal Rules, Federal Sentencing Guidelines, is not ordinarily compensable.

### § 3.4 *Recycling.*

#### (a) **Compensation for Original Work Only.**

(1) CJA panel attorneys should use preexisting resources (e.g., briefs and pleadings prepared in similar cases previously handled) to the extent practical to minimize charges.

(2) Appointed attorneys may claim compensation only for work that is originally prepared for the case in which the eVoucher is submitted.

(b) **Adaptation Time.** Compensation for time spent in adapting prior work product to the case or matter in which the eVoucher is submitted may be properly claimed.

### § 3.5 *Maximum Amounts.*

(a) **Amounts.** Maximum payment amounts, by category, are contained in Appendix 2.

#### (b) **Approval of Excess Amounts.**

(1) Compensation exceeding the statutory maximum amounts may be authorized in cases that are complex or extended where there is a declaration from the appointed attorney justifying the payment; and

(2) Certification by the trial judge authorizing the payment and approval by the Chief Judge of the U.S. Court of Appeals for the Ninth Circuit (or a circuit judge delegated that responsibility) are required.

(3) eVouchers claiming amounts exceeding the statutory maximums will be returned by the CJA Administrator if prior approval has not been received.

[A] The appointed attorney may use a CJA 26 for this purpose, which may be downloaded from the court's website or obtained from the CJA Administrator.

[B] Additional declarations are not required in cases where court approval of interim payments based on the complexity of the case has been previously obtained.

(4) Failure to provide adequate information supporting excess fees may result in the reduction of the fees to the statutory maximums.

(c) **Declarations.** Appendix 4 contains guidance in drafting the declaration required to support a claim in excess of the case maximum.

### § 3.6 *Multiple Defendants, Indictments or Counts.*

(a) **Cross-Reference of eVouchers.** If the appointed attorney has submitted, or will submit, CJA eVouchers for more than one case or defendant in the same case for the same time period, the eVoucher for each case or defendant must include an attachment stating the name of the defendant and the case number of the other case.

#### (b) **Multiple Indictments/Counts.**

(1) [A] When a defendant is charged in one indictment with severable counts, one eVoucher should be submitted and one maximum applied under subsection (d)(2) of the Act, whether or not the counts are severed for trial.

[B] When a defendant is charged in two or more indictments (other than a superseding indictment or information), a separate eVoucher should be submitted, and a separate

maximum applied under ¶ (d)(2) of the Act, for each indictment, whether or not the indictments are consolidated for trial.

(2) Where a single panel attorney is appointed to represent multiple defendants, separate eVouchers should be submitted, and a separate maximum applied under ¶ (d)(2) of the Act, for each defendant represented.

(c) **Time Allocation.** Time spent on multiple cases or indictments that require overlapping services (e.g., research, attendance at court, travel to visit clients, etc.) should be appropriately allocated among the cases or indictments and not charged in full to each case.

### § 3.7 *Use of Associates, Paraprofessionals and Law Clerks.*

#### (a) **Appearances by Appointed Attorney.**

(1) It is expected that the appointed attorney will personally appear and participate in all proceedings related to plea, detention, substantive motions, trial, and sentence.

(2) The *CJA Guidelines* provide that in some instances, appointed attorneys may use the services of other attorneys, paraprofessionals or law students in the same firm.

(b) **Use of Associates.** District policy is that associates may do legal research and review of factual circumstances in the case, as well as make status and scheduled court appearances in nondispositive matters, without obtaining prior approval.

#### (c) **Use of Paraprofessionals/Law Clerks.**

(1) Use of paraprofessionals, law clerks, and law students is encouraged but must be pre-approved if the expenditure will exceed the maximum amount authorized to be expended without court approval. [See Appendix 2.]

(2) With the prior approval of the court, paraprofessionals and law students, whether independent or employed in the same firm as appointed counsel, may perform case preparation services distinct from normal clerical support services. [See § 10.2 for the procedure for obtaining prior approval.]

(d) **Aggregate Time.** By accepting appointment pursuant to the CJA, the appointed attorney is obliged to ensure the aggregate hours expended by the appointed attorney, associates, outside counsel, paraprofessionals and law clerks are reasonable.

(1) The use of associate attorneys, outside counsel, paraprofessionals, and law clerks will ordinarily reduce the hours expended by the appointed attorney, and the aggregate hours expended by all attorneys, paraprofessionals and law clerks should be reasonably necessary to competent representation.

(2) [A] In any case where the use of associate counsel, outside counsel, paraprofessionals, and/or law clerks is not expected to result in a decrease in the number of hours expended by the appointed attorney, prior approval must be requested from the court.

[B] In any instance where compensation is claimed for both the appointed attorney and the associate or outside counsel for the same function at the same time, e.g., a court appearance, compensation for the use of the associated or outside counsel must be affirmatively shown to be reasonably necessary.

[C] Payment under the CJA in such instances may be made to the appointed attorney only for compensable time spent by the appointed attorney plus allowable expenses.

(3) [A] The coordination of efforts between members of the same firm authorized to work on a case is the responsibility of the firm and not a reimbursable cost.

[B] If an appointed attorney associates another attorney, or uses the services of a paraprofessional or law clerk, within the same firm on an appointed case, the appointed attorney, associated attorney, paraprofessional, or law clerk will not be compensated for time conferencing with each other.

(4) There must be attached to the CJA 20, CJA 21, CJA 30, or CJA 31 submitted by the appointed attorney a statement of the total time expended by the appointed attorney, any associate, outside attorney, paraprofessional, and/or law clerk, whether in the same firm or independent, during the period covered by the eVoucher, together with the aggregate time expended by all attorneys, paraprofessionals, and/or law clerks [See Appendix 13 for Statement of Total Time and Charges].

**(e) Billings for Associate Attorneys.**

(1) [A] The CJA guideline rate for associates is actual cost, not to exceed the CJA rate per hour.

[B] "Actual cost" for associates is the regular hourly rate paid, including payroll burden, e.g., payroll taxes, worker's compensation insurance, and actual cost of benefits provided.

(2) [A] If the billing rate for the associated attorney is the CJA rate, the billing for the associate's time is to be included on the CJA 20 (items 15 or 16) or CJA 30 (item 15) submitted by the appointed attorney.

[B] If the billing rate for the associated attorney is less than the CJA rate, the time for the associated attorney is to be submitted on a separate CJA 20 or CJA 30.

(3) [A] The appointed attorney is responsible for informing the CJA Administrator of the name of the associated attorney and the appropriate hourly rate of compensation as determined in accordance with this subsection (e).

[B] The CJA Administrator will prepare a separate CJA 20 or CJA 30 for the associated attorney.

**(f) Billings for Paralegals/Law Clerks.** [See § 7.4]

**§ 3.8 Submission and Processing of CJA Documentation.**

**(a) In General.**

(1) Except as otherwise provided in this manual, all motions by attorneys for authorization or pre-approval of expenses and completed eVouchers (CJA forms 20, 21, 24, 30, and 31) are to be submitted by the attorney to the CJA Administrator.

[A] In cases where CJA documents are filed directly with the Clerk of the Court, the appointed attorney must contemporaneously therewith transmit a copy by facsimile or e-mail to the CJA Administrator.

[B] Not less than five (5) business days must be allowed for the issuance of an authorization or approval order after submission of a motion for approval.

(2) The CJA Administrator will review and forward CJA documentation and requests received by the CJA Administrator to the Clerk's Office.

[A] ***Unless otherwise ordered by the presiding judge, CJA documents are not to be sent directly to the presiding judge.***

[B] The appointed attorney must give notice of the filing to the CJA Administrator and the Clerk of the Court of all documents filed in chambers.

(3) All CJA orders, approvals, authorizations, and other directives from the court will be distributed by the Clerk's Office with a copy and telephonic notification, if appropriate, to the CJA Administrator.

(b) **Attorney's Certification.** By signing the eVoucher or other CJA document, the appointed attorney is certifying that:

(1) The eVoucher or other document complies with all governing CJA rules, guidelines, and policies applicable;

(2) The services provided and expenses incurred or for which authorization is sought were or are reasonably necessary to effective representation; and

(3) The rates of compensation or expenses to be reimbursed are, to the extent applicable,

[A] the lowest rate negotiable by the appointed attorney, or

[B] the lowest rate specified by statute, rule guideline, or this policy manual.

#### **PART IV — CJA 20: NON-CAPITAL CASES**

§ 4.1 *Instructions.* Instructions for completing the CJA 20 eVoucher are contained in Appendix 5.

§ 4.2 *Standard Cases.* For cases that are not complex or extended, the CJA 20 must be submitted not later than forty-five (45) days after the final disposition of the case, unless good cause is shown.

§ 4.3 *Complex or Extended Cases/Interim Payments.*

(a) **Interim Payments.** Where a case is complex, extended, or where interim payments are authorized in a budget approved by the court, the attorney may request and justify periodic or interim payments in lieu of waiting until the end of the case.

(b) **Requests.** A request for authorization for interim payments is made by filing an *ex parte* motion in the CM/ECF system, containing sufficient detail to justify interim payments, including a case budget. [See § 4.6 "Case Budgeting."]

(c) **Circuit Approval.** All eVouchers approved by the district court exceeding the statutory maximum will be forwarded to the Chief Judge of the U.S. Court of Appeals for the Ninth Circuit (or designated circuit judge) for approval.

(d) **Criteria.**

(1) Authorization to submit interim eVouchers will normally be limited to:

[A] cases in which representation is anticipated to extend over a period of more than three (3) months; or

[B] situations where compensation is anticipated to be in an amount in excess of the maximum allowed under the provisions of ¶ (d)(2) or ¶ (e)(3) of the Criminal Justice Act, 18 U.S.C. § 3006A. [See § 3.5 for additional information/guidance regarding amounts in excess of the statutory maximums.] (1) Authorization to submit interim eVouchers will be limited to situations where compensation is anticipated to be in an amount in excess of the maximum allowed under the provisions of ¶ (d)(2) or ¶ (e)(3) of the Criminal Justice Act, 18 U.S.C. § 3006A. [See § 3.5 for additional information/guidance regarding amounts in excess of the statutory maximums.]

(2) Unless otherwise provided in the order authorizing interim payments, interim payment eVouchers are not to be submitted:

[A] at intervals of less than 30 days; or

[B] in amounts less than \$1,000.00.

(3) In addition to the requirements specified in Part III, all eVouchers for interim payments must include:

[A] a copy of the order authorizing interim payments;

[B] a statement showing amounts claimed and allowed on prior eVouchers submitted in the case; and

[C] in a case where a budget has been previously approved under § 4.6, the total amount approved for the stage of the proceedings for which interim payment is requested.

(e) **Withholding from Interim Payments.** This district will not ordinarily withhold funds from interim payments.

#### § 4.4 *Multi-Defendant Cases.*

(a) **Coordination by Appointed Attorneys.** In all multi-defendant cases involving more than one CJA appointed attorney, appointed attorneys should take all reasonable steps to coordinate efforts to reduce costs, including joint applications for funding of investigators or other services.

##### (b) **Coordinating CJA Counsel.**

(1) The presiding judge may appoint one (1) counsel as coordinating counsel in multi-defendant cases.

(2) If the CJA coordinating attorney will no longer be participating in the case because the case against his or her client has been resolved, the coordinating attorney should address a letter to the presiding judge, advising of the need for a replacement to monitor funding authorizations and to ensure other matters are addressed in a coordinated fashion as the case continues.

§ 4.5 *Supplemental Claims.* If a supplemental claim for services rendered after the case is completed is needed, the appointed attorney may do so by completing an additional eVoucher designated as a "Supplemental to Final" eVoucher.

#### § 4.6 *Case Budgeting.*

(a) **When Required.** Unless otherwise ordered by the court, case budgeting will be required in any case in which it reasonably appears that the potential:

- (1) attorney hours are expected to exceed 300 hours; or
- (2) total expenditures are expected to exceed \$50,000.00.

(b) **Initial Case Review.** As soon as practicable, but in any event not more than twenty-one (21) days after appointment, appointed counsel must make a preliminary review of the case to determine if case budgeting is necessary.

(c) **Submission of Budgets.**

(1) Not later than thirty (30) days after appointment, if appointed counsel's initial review indicates case budgeting is required, or as soon thereafter that counsel has determined case budgeting is required, counsel must submit an initial budget for approval by the court.

(2) In the event that in a case in which a budget has been previously approved it appears that the potential expenditures may exceed the amount in the previously approved budget by either \$5,000.00 or 10 percent, whichever is less, counsel should forthwith submit a revised budget for approval.

(3) [A] Budgets are to be submitted in such form as may from time to time be prescribed by the court.

[B] Forms for submitting case budgets are available on-line at the court's website, [www.akd.uscourts.gov](http://www.akd.uscourts.gov), or may be obtained from the CJA Administrator.

(d) **Effect of Approved Budget.**

(1) Unless otherwise ordered by the court, approval of a budget constitutes pre-approval of expenditures and a funding order under § 10.2 in the amount specified in the approved budget.

(2) ***Approval of a budget does not constitute pre-approval of eVouchers under § 6.3.***

(3) In the absence of good cause shown for extraordinary circumstances, the court will not approve applications for compensation in excess of the amount specified in the approved budget.

(e) ***Ex parte* Pretrial Conferences.**

(1) The court may hold one or more pretrial hearings on a case budget upon the request of appointed counsel or upon its own volition.

(2) Unless otherwise ordered by the presiding district or magistrate judge, a pretrial conference on a case budget will be held *ex parte* and the courtroom sealed.

(f) **Referral to Magistrate Judge.**

(1) The presiding district judge may refer the *ex parte* pretrial conference on a case budget to a magistrate judge.

(2) Federal Rule of Criminal Procedure 59(b) applies to proceedings referred to a magistrate judge under this subsection.



(g) **Circuit Approval.** To the extent that preauthorization is required, case budgets approved by the district court will be forwarded to the Chief Judge of the U.S. Court of Appeals for the Ninth Circuit (or designated circuit judge) for necessary approval as provided in Part X.

## **PART V — CJA 30: CAPITAL CASES**

Application of the practices and procedures in this manual in capital cases is subject to the policy of the U.S. Court of Appeals for the Ninth Circuit, which must be reviewed at the outset of the case.

## **PART VI — eVOUCHER REVIEW**

§ 6.1 *In General.* Processing of eVouchers requires the review and analysis of eVouchers submitted by CJA appointed attorneys to determine that the services rendered and expenses incurred are in accordance with the statutes, rules, policies, requirements, practices and procedures governing CJA appointed counsel. eVouchers are processed, reviewed and audited by the CJA Administrator and reviewed by the presiding judge. Review of the eVoucher by the presiding judge includes an assessment of the reasonableness of the fees and expenses incurred for the activity or task involved.

§ 6.2 *Review by CJA Administrator.*

(a) **General.**

(1) All eVouchers are initially reviewed by the CJA Administrator for mathematical errors and compliance with the requirements of applicable rules, *CJA Guidelines*, and this policy manual.

(2) After review by the CJA Administrator, eVouchers are forwarded to the presiding judge.

(3) In the absence of unusual circumstances or the absence of the CJA Administrator during the period, the CJA Administrator will either return the eVoucher to the appointed attorney under subsection 6.2(b) or forward the eVoucher to the presiding judge within ten (10) business days of the date the eVoucher is submitted by the appointed attorney.

(b) **Return and Re-submission.**

(1) The CJA Administrator will return to the appointed attorney for correction and re-submission any eVoucher that does not comply with the requirements of this policy manual.

(2) An eVoucher returned by the CJA Administrator will indicate those items that are not in compliance with the requirements of this policy manual.

(3) In the event re-submission by the appointed attorney does not correct the deficiency(ies) noted by the CJA Administrator, the CJA Administrator will attach a memo to the eVoucher delineating the deficiency(ies) noted before forwarding it to the presiding judge.

§ 6.3 *Approval by Court.*

(a) **General.** In the absence of unusual circumstances, including, but not limited to, proceedings under subsection 6.3(d) or § 6.4, the court will act on all eVouchers within 30 days of the date the eVoucher is filed with the Clerk of the Court.

(b) **Approval by Magistrate Judge.** A magistrate judge is authorized to approve eVouchers in criminal cases as follows:

- (1) All proceedings were held before the magistrate judge; and
- (2) In matters referred to the magistrate judge—

[A] for service providers requesting payments under the maximum amount authorized without prior court approval [see Appendix 2] or that are within funding limits preauthorized by a district court judge in felony, misdemeanor, and other cases,

[B] in cases in which the expenditure has been authorized in a budget approved by a district court judge, and

[C] for interpreters and transcription services where the payment requested is less than the maximum amount authorized without prior court approval [see Appendix 2] or the expenditure has been authorized by a district court judge.

**(c) Approval by District Judge.**

(1) In those cases in which review of the eVoucher is referred to a magistrate judge and the magistrate judge is not authorized to make final approval of the eVoucher, the magistrate judge will, after compliance with the procedure provided in subsection 6.3(d) or § 6.4, if applicable, submit a report and recommendation to the district judge.

(2) Unless otherwise ordered by the presiding district judge, the matter will be submitted for decision on the report and recommendation made by the magistrate judge.

**(d) Reductions.**

(1) It is the policy of the court that, except as provided in ¶ 6.3(d)(3), in the event the district or magistrate judge intends to reduce or propose a reduction in the amount claimed, the judge will provide notice of the intended or proposed reduction and the reason(s) therefore to the appointed attorney.

(2) At the discretion of the judge, the notice and statement of reason(s) under ¶ 6.3(d)(1) may be given in writing through the CJA Administrator or be made on the record in court after notice to the appointed attorney.

[A] The appointed attorney may participate telephonically at any hearing held under this paragraph.

[B] In the event notice is given in writing, within ten (10) days thereafter, the appointed attorney must submit to the CJA Administrator a written response:

- (i) If the appointed attorney disagrees with the proposed reduction, addressing the points or issues raised and, if appropriate, any reasons why reduction is not appropriate; or
- (ii) Accepting the proposed reduction.

[C] A failure to provide a timely response under subparagraph [B] will be deemed an acceptance of the intended or proposed reduction.

(3) Notice will not be given if the reduction is based upon:

[A] Computational errors;

[B] A deficiency noted by the CJA Administrator under subsection 6.2(b); or

[C] Where in-court time claimed exceeds the time as reflected by the court calendar and minutes of the court hearing or trial.

(4) Nothing contained in this subsection may be construed as prohibiting the judge from communicating informally with the attorney about questions or concerns in person, telephonically, or electronically, e.g., by e-mail or facsimile, as deemed appropriate or necessary by the judge.

**(e) Decisions.**

(1) A final decision specifying the items reduced and reasons for reduction will be provided in writing or on the record in all cases where the reduction exceeds \$300.00.

(2) The claimant will be provided a copy of the approved eVoucher and decision of the court if adjustments or reductions have been made in the auditing or approval process.

**(f) Approval of Amounts in Excess of Statutory Maximums.** If payment is certified in excess of the statutory maximum, the eVoucher is sent to the Chief Judge of the U.S. Court of Appeals for the Ninth Circuit (or designated circuit judge) for review and final approval.

**§ 6.4 Review by CJA Advisory Committee.**

**(a) Request for Review.**

(1) In any case where a judge has a question or concern with the amount of compensation claimed, the eVoucher may be referred to the CJA Advisory Committee for review and recommendation before final action on the claim is taken.

(2) In any case where a proposed reduction in the amount of compensation, other than a reduction under ¶ 6.3(d)(3), exceeds \$500.00, upon request of the appointed attorney, the eVoucher will be referred to the CJA Advisory Committee for review and recommendation before final action on the claim is taken.

**(b) Submission.**

(1) The judge will, at the time the eVoucher is submitted to the committee, provide the committee with a statement describing the questions about or concerns with the eVoucher.

(2) Within seven (7) days after submission to the committee, the appointed attorney may provide the committee information or documentation relevant to the eVoucher and questions or concerns raised by the judge.

**(c) Procedure.** The Advisory Committee will:

(1) Meet as soon as practical to review the disputed claim and in no event more than fifteen (15) days after receipt of the request;

(2) Consider the record and the comments submitted by the court and the appointed attorney in making its recommendation; and

(3) [A] In the event that the committee determines as a result of its review and investigation that a panel member's eVoucher does not comply with the court's billing guidelines, is unreasonable, or is not otherwise accurate or proper, the CJA Administrator will notify the panel member in writing, specifying the reasons therefor,

[B] the panel member may provide a written response within seven (7) days, and

[C] after reviewing the panel member's response, the committee will submit a recommendation regarding any reduction in the eVoucher it deems appropriate.

(4) [A] A copy of the committee's recommendation is to be provided to the presiding judge, CJA Administrator and the panel member.

[B] Unless otherwise ordered by the presiding judge, no reply or other response to the committee's recommendation is permitted.

(5) In the absence of unusual circumstances, the committee will submit its recommendation to the presiding judge within thirty (30) days of the date the eVoucher is submitted to the committee for consideration.

**(d) Investigation/Standards.**

(1) [A] The Advisory Committee or one of its members will conduct a review and investigation to determine whether the panel member's eVoucher for attorneys' fees conforms to the court's billing guidelines, is reasonable considering the circumstances of the case, and is otherwise accurate and proper.

[B] The investigation may include review of other eVouchers submitted by other panel members in the same, or similar cases, a review of court files, review of records of detention facilities, and/or interviews of panel members including the panel member whose eVoucher is being reviewed.

(2) No provision of this section is to be construed as permitting disclosure to the panel member of information from which the panel member may infer the source, and no information is to be either disclosed to the panel member or obtained by any process that would jeopardize the confidentiality of communications for persons whose opinions have been sought in the investigation.

(3) In making its recommendation the committee will consider definitions or standards describing "extended or complex" cases as published by the Judicial Conference of the United States and those factors specified in Appendix 4.

**(e) Confidentiality.**

(1) [A] All information gathered pertaining to a CJA panel member during a fee review is the property of the U.S. District Court for the District of Alaska and is to be treated as confidential.

[B] Votes of the Advisory Committee are also confidential.

(2) Members of the Advisory Committee may not disclose to others in any manner during the course of consideration of any fee review, the name of the panel member audited, the discussions, deliberations or action of the committee concerning any panel member's fee audit, information obtained during investigation or deliberation of the committee, or any documents related to the foregoing, unless ordered to do so by a court of competent jurisdiction.

**(f) Action by Presiding Judge.** The presiding judge will ordinarily adopt the recommendation of the Advisory Committee in making a final determination; provided, however, that in an exceptional case, the presiding judge may in the sole and absolute discretion of the presiding judge modify the recommendation.

## PART VII — REIMBURSABLE EXPENSES

### § 7.1 *General.*

#### (a) **CJA 20/30.**

(1) Reimbursable out-of-pocket expenses incurred in connection with CJA representation may be claimed on the CJA 20 or CJA 30 eVoucher.

(2) Compensation for necessary and reasonable expenses is in addition to the fee maximum.

(b) **Duty to Negotiate Rates.** The appointed attorney must negotiate the lowest reasonable rates with service providers retained to provide services in connection with the case.

#### (c) **Maximums.**

(1) The maximum amount that may be expended without prior approval and the approval levels for excess amounts is set forth in Appendix 2.

(2) The maximum amount is the aggregate for all such expenses, not any individual expense.

(3) See § 10.2 for the procedure for obtaining prior approval.

### § 7.2 *Supporting Documentation.*

#### (a) **Itemization/Documentation.**

(1) All expenses should be completely itemized and documented by copies of receipts, invoices, and office records that verify costs incurred. Receipts are *required* for all expenses more than \$50.00 and *encouraged* for all expenses less than \$50.00. ***Notwithstanding this policy, receipts are always required for the following:***

(2) Outside copying regardless of the amount;

(3) Subsistence expenses, except tips, as defined in ¶ 9.5(a)(2)[A], e.g., lodging, phone calls, meals;

(4) Non-subsistence travel expenses, other than mileage, more than \$25.00; and

(5) Premium delivery and messenger services, e.g., Federal Express, UPS, etc.

(2) Reimbursement will be disallowed for expenses that are not itemized or for which insufficient documentation is provided.

#### (b) **Submission of Receipts.**

(1) Actual, itemized receipts must be submitted. ***Credit card receipts and billings are not acceptable.***

(2) [A] Legible copies of receipts are to be filed in Adobe Acrobat format (.pdf).

[B] More than one receipt may be contained on each page.

### § 7.3 *Outside Counsel.*

(a) **In General.** If the appointed attorney seeks services from outside counsel for any purpose, those services will be treated as expert services and require pre-approval, unless the judge has made or subsequently makes a finding that appointment of second counsel is necessary.

(b) **Separate Billing Required.** Reimbursement for these services is claimed on the CJA 21 or CJA 31 eVoucher.

(c) **Obtaining Pre-approval.**

(1) See § 10.2 for the procedure for obtaining prior approval.

(2) The request must detail:

[A] The purpose for which the services of outside counsel are sought (including a explanation of the special knowledge possessed and its application to the case, if applicable);

[B] Projected number of hours;

[C] Hourly rate, which may not exceed the CJA rate; and

[D] Total anticipated expenditure.

### § 7.4 *Paraprofessionals/Law Clerks/Law Students.*

(a) **Rates.**

(1) [A] The CJA guideline rate is actual cost, not to exceed the maximum set forth in Appendix 3.

[B] “Actual cost” for in-house paraprofessionals, law clerks, and law students is the regular hourly rate paid, including payroll burden, *e.g.*, payroll taxes, worker’s compensation insurance, and actual cost of benefits provided.

(2) If compensation is sought at the higher “special skills” rate, an explanation of the special skill(s) possessed and its(their) application to the case must be attached to the eVoucher or to the request for pre-approval.

(b) **Tasks Reimbursed at Paraprofessional Rate.** The following tasks will be reimbursed at not more than the maximum paraprofessional rate: transcript summarization; subjective coding of documents; internet and legal research; client contact; drafting and analysis; and review and collection of medical, criminal history, sentencing mitigation, or other records.

(c) **Separate Billing Required.**

(1) Paraprofessionals, law clerks, and law students, whether in house or independent, are to be billed on a separate CJA 21 or CJA 31, not on the attorney's eVoucher, even if the payee is the attorney or law firm.

(2) A separate CJA 21 is required for each paraprofessional, law clerk, or law student.

(d) **Obtaining Pre-approval.**

(1) See § 10.2 for the procedure for obtaining prior approval.

(2) Where the use of paralegals, law clerks, and law students must be pre-approved, the request must detail:

[A] Projected number of hours;

[B] Hourly rate (including an explanation of the special skill(s) possessed and its(their) application to the case, if applicable); and

[C] Total anticipated expenditure.

§ 7.5 *Computerized Legal Research.* Computerized legal research fees are considered office overhead, as are other fees for library items. All CJA Panel attorneys are expected to subscribe to a flat-fee research plan and the court will only provide reimbursement for computerized research when an explanation is provided, e.g., that fees imposed are outside the scope of the flat fee plan or why a flat fee plan is not feasible.

§ 7.6 *Photocopying.*

(a) **In-House.** All in-house copying done in the attorney's office, regardless of the number of copies made per copy job or per case, will be reimbursed at \$0.15 per page without prior approval.

(1) In-house copies and small outside copying jobs paid by the attorney (with a copy of the receipt attached) are reimbursed on a CJA 20 or CJA 30.

(2) Copy jobs of 500 pages or more should be handled outside the attorney's office at a rate more economical to the government and prior approval must be obtained for copy expenses more than the maximum amount authorized without prior court approval per copy job. [See Appendix 2 for maximum amounts.]

(b) **Outside Services.**

(1) Copies made outside the appointed attorney's office will be reimbursed at a rate negotiated by the attorney and supported by a copy of the invoice from the copy company.

(2) All outside copying expenses are reimbursed on a CJA 21 or CJA 31 with the invoice, even if the appointed attorney or the appointed attorney's firm is the payee.

§ 7.7 *Facsimile and Telephone.*

(a) **Toll Charges.** Toll and long-distance charges for out-going case-related facsimiles and telephone calls and collect toll calls accepted from incarcerated clients are reimbursable, but local charges are not.

(b) **Facsimile.**

(1) Flat per page facsimile charges for sending are **not** reimbursable.

(2) Facsimiles received by an appointed attorney are reimbursable at \$0.15 per page received.

(c) **Supporting Documentation.** Telephone toll charges in excess of \$50.00 per month must be supported by a marked-up copy of the telephone bill.

§ 7.8 *Postage.* Reimbursement will be made for the actual cost of case-related regular U.S. postage. Receipts are only required if the postage cost exceeds \$50.00 per instance.

§ 7.9 *Messengers/Couriers/Express Delivery Services.* The use of messengers, couriers, and express delivery services, e.g., Federal Express, Airborne Express, etc., is discouraged unless there is a genuine necessity for this service. The court favors timely filings by mail or electronically.

(1) In cases where an outside messenger or courier service is used, receipts must be attached.

(2) In cases where the appointed attorney uses an in-house messenger or courier service, reimbursement will be limited to *the lesser of* the cost that would be incurred if an outside service were used or the normal or customary charge for the service by the appointed attorney if provided to a private client.

§ 7.10 *Fact Witnesses.* Expenses related to the testimony of a fact witness, either at trial or deposition, including service of subpoenas, transportation and other expenses, are governed by Rule 17, Federal Rules of Criminal Procedure and 28 U.S.C. § 1825. Those expenses are paid by the Department of Justice through the U.S. Marshal's Office. The DOJ form required for reimbursement of witness fees is the OBD-3. The form is provided by the U.S. Attorney to the CJA Administrator, who will assist the appointed attorney with the form.

§ 7.11 *State Court/Other Ancillary Matters.*

(1) Work related to state court proceedings or other ancillary matters will not be compensated unless the attorney obtains prior authorization from the court. [See § 10.2 for the procedure for obtaining prior approval.]

(2) ***In exceptional circumstances the court may find that representation, justified in a memorandum submitted by the attorney at the conclusion of the principal criminal matter, was appropriate and reimbursable.*** A copy of the memorandum must be submitted with the eVoucher. [See, *Guide to Judiciary Policies and Procedures*, ¶ 2.01.F.]

§ 7.12 *Interim Reimbursement.*

(1) Interim reimbursement of expenses, e.g., hotel bills, airline tickets, car rentals, phone bills, copy and duplication fees and the like, may be requested and may be authorized when counsel's reasonably-incurred, out-of-pocket expenses exceed \$500.00.

(2) When reimbursement of expenses is sought on an interim basis, the application must contain a statement showing the amount all prior expenses for which reimbursement was sought and the amount allowed.

§ 7.13 *Non-Reimbursable Expenses.*

The following are **NOT** reimbursable under CJA.

- ◆ General office overhead, e.g., secretarial help (whether regularly or specially employed), rent, office supplies or equipment; telephone lines or service (although telephone toll calls and telegrams are reimbursable). **Attorneys will not be compensated for secretarial duties, e.g., filing of court documents, mailing, faxing, copying, etc.**
- ◆ Books, journals or other publications.
- ◆ Billing for time needed to prepare or litigate eVouchers, except in extraordinary circumstances.



- ◆ Taxes paid on attorney compensation received pursuant to the CJA, whether based on income, sales or gross receipts.
- ◆ The cost of *printing* briefs is not reimbursable, although the cost of photocopying, mimeographing or similar copying services is reimbursable.
- ◆ Filing fees: These fees are waived for persons proceeding under the CJA. Fees for deeds of trust to secure a defendant's release are not compensable under the CJA; these fees are paid for by the person(s) securing the collateral.
- ◆ Personal items and services for the client, *e.g.*, cleaning or pick up or delivery of clothing or personal items, hair cuts, cigarettes, transportation, lodging, travel, meals, costs of assisting the defendant in the disposition of the defendant's personal property, arranging for the placement of minor children of the defendant, assisting the defendant in executing the conditions of probation, assisting the defendant in modifying bond terms such as drafting applications for travel, providing legal assistance in matters unrelated to the litigation of the case although incidental to the defendant's arrest, *etc.* Payments by the appointed attorney for such items will not be reimbursed.
- ◆ Alcoholic beverages.
- ◆ Costs related to educational seminars, including travel, attendance, registration or materials.
- ◆ PACER costs are not reimbursable. Appointed attorneys can apply for a no-fee account and should contact the PACER Service Center in San Antonio at 1-800-676-6856 for more information.
- ◆ Time and expenses involved in the preparation of an appeal (whether from interlocutory orders or final judgments) or work related to the review of proceedings before this court. These are considered as applicable to the case before the United States Court of Appeals, and should be included on the eVoucher for services performed in that court.
- ◆ Work related to state court proceedings will not be compensated unless the attorney obtains prior authorization from the court.

## **PART VIII — REIMBURSABLE FEES FOR EXPERTS AND OTHER SERVICE PROVIDERS**

### **§ 8.1 CJA 21 (Non-Death Penalty Cases).**

(a) **Instructions.** Instructions for completing the CJA 21 eVoucher are contained in Appendix 6.

(b) **One-Time Expert/Service Provider.**

(1) If the expert or other service provider has been retained on a one-time, non-recurring basis, the appointed attorney may submit the CJA 21 for payment in full before the end of the case.

(2) Continuing or repetitive use of an expert or other service provider in the same case does not constitute a one-time, non-recurring basis.

**(c) Continued Use of Experts/Service Providers.**

(1) For cases in which the expert's services are required during the pendency of the case, the attorney may request and justify periodic or interim payments to the experts in lieu of waiting until the end of the case.

(2) See § 10.2 for the procedures for obtaining approval.

**§ 8.2 Funding Requests for Services Exceeding Maximums.**

**(a) Maximums.**

(1) The maximum amount that may be expended without prior court approval is set forth in Appendix 2.

(2) The maximum amount is the aggregate for all such expenses, not any individual expense.

**(b) Prior Authorization Required.**

(1) No payment in excess of the maximum may be made without prior authorization by the judge unless the judge makes a subsequent finding that the services could not await prior authorization.

(2) A form memorandum requesting advance authorization is contained in Appendix 7.

(3) See § 10.2 for the procedure for obtaining prior approval.

**(c) Rates.**

(1) The appointed attorney must negotiate the lowest reasonable compensation rate and total time required with the expert, investigator, interpreter, psychiatrist, psychologist, or other person providing services.

(2) Prior court approval must be obtained if the hourly rate for a psychiatrist, neurologist, medically licensed expert, forensic expert, psychologist, or accountant exceeds the maximum hourly rate set forth in Appendix 3.

**§ 8.3 Funding Request.**

**(a) General.**

(1) Payments above the maximum may be made where necessary to provide for fair compensation for services of an unusual character or duration. [18 U.S.C. §3006A(e)(3)]

(2) See § 10.2 for the procedures for obtaining authorization.

**(b) Requirements.** Any payment to an expert in excess of the statutory maximum requires:

(1) A declaration from the appointed attorney justifying the payment;

(2) Certification by the trial judge authorizing payment; and

(3) Approval by the Chief Judge of the U.S. Court of Appeals for the Ninth Circuit (or designated circuit judge).

**(c) Attorneys Declaration.** The justification declaration from the appointed attorney must set forth the reasons for the expert service requested, including:

(1) Basis for excess payment if the amount requested for any expert exceeds the maximum amount that may be approved by a district judge or magistrate judge [See Appendix 2 for maximums and approval levels];

(2) Name and address of the expert and the expert's specialty, e.g., an investigator, a forensic pathologist;

(3) Hourly rate and, if in excess of the maximum rate specified in Appendix 3, justification for the excess rate; and

(4) Projected total hours expended with a justification for that total.

#### § 8.4 *No Payments in Excess of Amount Authorized.*

##### (a) **Authorized Amount.**

(1) All expert expenditures require pre-authorization by the judge. The court will normally approve the appropriate rate of compensation and set a cap for the total expenditure authorized.

(2) See § 10.2 for the procedure for obtaining authorization.

##### (b) **Responsibilities of Counsel.**

(1) Upon approval of funds for investigative services, experts or other services, the appointed attorney is responsible for providing a copy of the authorization order to the service provider and communicating with the service provider to ensure that services comply with specific terms of the court order and do not exceed the amount authorized.

(2) An Information Sheet for Experts and Other Service Providers, which can be given to any provider, outlining the terms of appointment and process for submitting eVouchers is contained in Appendix 8.

(3) Claims in excess of the maximum amount that may be expended without prior court approval [See Appendix 2] or exceeding the amount authorized by the judge will not be paid.

[A] The attorney will be advised of the amount that cannot be reimbursed and instructed to request additional funding authorization.

[B] If authorization is subsequently granted, a new eVoucher may be submitted for the uncompensated amount.

#### § 8.5 *Expert and Service Provider eVouchers.*

(a) **Necessity of Funding Order.** The funding order must be attached to the eVoucher requesting payment for those services. ***Without a funding order, the eVoucher will be returned to the attorney by the CJA Administrator and will not be paid.***

(b) **Responsibilities of Counsel.** Appointed attorneys are responsible for requiring experts and other service providers to submit invoices that are sufficiently detailed to permit review in a manner similar to that required of appointed attorneys.

(1) The appointed attorney must review the expert's or other service provider's invoice and eVoucher to ensure the expert's or service provider's claim is consistent with the appointed attorney's instructions and accurately reflects the services actually rendered.

(2) By signing the attorney certification on the CJA 21 or CJA 31, the appointed attorney certifies the validity and appropriateness of the services provided.

**(3) Attorneys are not authorized to pre-pay experts or other service providers and request later reimbursement.**

(4) All expert and other service provider expenses must be submitted on a separate CJA 21 or 31.

#### § 8.6 *Investigators.*

(1) The maximum presumptively reasonable rate for investigators is set forth in Appendix 3.

(2) If compensation is sought at a rate higher than the presumptive rate, an explanation of the reasonableness and necessity for a higher rate, e.g., special skill(s) possessed (e.g., proficiency in a relevant foreign language or unique experience/training) and its(their) application to the case, must be attached to the eVoucher or the request for authorization.

#### § 8.7 *Interpreters.*

##### **(a) In-Court Interpreters.**

(1) In-court interpreters are paid for by the Clerk of the Court. Appointed attorneys should contact the assigned Case Management Clerk when it is anticipated that a court interpreter's services may be needed.

(2) [A] A courtroom interpreter hired by the Clerk whose services are not needed in the courtroom may be used by the appointed attorney for out-of-court CJA services for the remainder of the period for which the interpreter's services were contracted and are to be paid by the Clerk of the Court. [NOTE: The interpreter may not bill CJA for those services because the Clerk is already providing compensation.]

[B] A certified court interpreter whose travel to the District of Alaska for in-court interpretation has been provided by the Clerk of the Court may extend the duration of the stay in Alaska to provide out-of-court services to appointed attorneys with payment for additional time and expenses to be billed through CJA with prior authorization.

[C] See § 10.2 for the procedure for obtaining prior approval.

##### **(b) CJA Rate for Out-of-Court Interpreting Services.**

(1) [A] The Clerk's rate is not to be used for interpreter services billed through CJA.

[B] Any rate in excess of the amount set forth in Appendix 3 (services and travel time) requires a supporting statement establishing that the higher rate is reasonably necessary.

[C] See § 10.2 for the procedure for obtaining prior approval.

(2) The interpreter is entitled to travel expenses.

(3) All interpreter expenses are to be billed on a CJA 21 or CJA 31.

##### **(c) Payment.**

(1) If the hiring of an interpreter is a one-time expense, it may be billed by the interpreter immediately. If the attorney anticipates a continuing need for interpreter services, a funding order must be obtained in accordance with the provisions regarding expert or other services.

(2) Interpretive services include both oral interpretation and translation with a written product. The appointed attorney should clarify in the request for funding authorization the portion of "interpretation" or "translation" anticipated.

§ 8.8 *Psychiatrists, Psychologists.* CJA funds are used to pay for psychiatric and related services obtained in accordance with 18 U.S.C. § 3006A(e) upon a determination that the services are "necessary for an adequate defense." These are "defense" services, where the defendant selects the expert and controls the disclosure of the expert's report. It is important to note that psychiatrists and related experts may be used in many circumstances in which payment is made from a source *other* than the CJA appropriation. In these situations the court or the government selects the expert, and persons other than the defendant also have access to the expert's report. The Department of Justice (DOJ) generally pays for these "non-defense" services. A summary of payment responsibility for the various circumstances in which psychiatric and related services are utilized is contained in Appendix 9.

§ 8.9 *Depositions.*

(a) **Cases in Which the United States is a Party.** Payment of expenses for depositions in cases in which the United States is a party are governed by Rule 15, Federal Rules of Criminal Procedure.

(b) **Cases in Which the United States is not a Party.**

(1) [A] The appointed attorney submits a Motion for Order Directing Payment of Transcripts and Expenses by the United States Marshal.

[B] See § 10.2 for the procedure for obtaining prior approval.

(2) Upon receipt of the signed order authorizing payment, the invoices and a certified copy of the order is sent to the Office of the United States Marshal, who prepares a SF1034 voucher and transmits payment directly to the vendor.

§ 8.10 *Transcripts of Proceedings in District Court Cases.*

(a) **Payment in General.**

(1) Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act are paid on a CJA 24 by the United States out of CJA funds appropriated for that purpose.

(2) When a transcript is paid for by the United States, the court reporter may not require any party requesting the transcript to prepay an estimated fee in advance.

(3) The court reporter will not commence transcription services until the CJA 24 has been approved by the presiding judge.

(b) **Format.** The court reporter must prepare each transcript in the format prescribed by the U.S. Judicial Conference and may not exceed the rates for transcripts established by the Judicial Conference in effect at the time the authorization was made.

(c) **Multi-Defendant Cases.** In multi-defendant cases involving CJA defendants, no more than one transcript should be purchased from the court reporter on behalf of all CJA defendants.

(1) One of the appointed attorneys should then arrange for duplication, at commercially competitive rates, of enough copies of the transcript for each CJA defendant for whom a transcript has been approved.

(2) The cost of duplication will be charged to the CJA appropriation. This policy does not preclude the court reporter furnishing duplication services at a commercially competitive rate.

#### § 8.11 *Procedure for Requesting a Transcript.*

(a) **Completion of CJA Form 24.** Refer to Appendix 10 entitled “Instructions for Completing CJA Form 24, Authorization and eVoucher for Payment of Transcript.” Follow the detailed instructions for completing Items 1-14.

(1) If special authorizations are requested in Item 14, attach a detailed justification.

(2) Sign, date and complete Item 15.

(b) **Processing.**

(1) The appointed attorney:

[A] Submits the completed CJA 24 to the Clerk’s Office for submission to the presiding judge for approval in Item 16, and Item 14 if special authorization(s) is(are) requested in Item 13; and

[B] Transmits a copy by facsimile to the CJA Administrator.

(2) [A] Following approval, the Clerk’s Office will forward the eVoucher to the court reporter.

[B] The court reporter will prepare the transcript, fill out Items 17-21 on the eVoucher, and return the transcript and the eVoucher to the Clerk of the Court.

[C] The Clerk of the Court will check the transcript for accuracy, sign Item 22, and notify the appointed attorney that the transcript is ready for pick-up at the clerk’s office.

(3) When the appointed attorney picks up the transcript, a copy of the completed CJA 24 and invoice will be issued by the Clerk’s Office to the CJA Administrator for processing for payment.

(c) **Billing and Payment.**

(1) Ordinarily, the court reporter should bill the court directly for transcript services.

(2) [A] In the rare circumstance where the appointed attorney has paid for the transcript, reimbursement may be sought by listing the attorney’s name as the payee in Item 18 of the CJA 24.

[B] A copy of the receipt or both the front and back of the canceled check should be attached showing payment was made to the court reporter.

#### § 8.12 *Transcripts for Appeals.*

(a) **Policy.** Judicial Conference policy states: “It is the sense of the Conference that a substantial number of criminal appeals can be fairly conducted without a full transcript of all testimony and proceedings. . . . All counsel should be required to exhaust all efforts to perfect appeals without full trial transcripts, by use of such traditional devices as preparation of limited

transcripts, and preparation of an agreed statement or other summary of the evidence.” (*Report of the Proceedings of the Judicial Conference of the United States*, October 1971, pages 61-62.)

**(b) Processing for Payment.**

(1) Complete the CJA 24 as provided in ¶ 8.11(a).

(2) Processing of the CJA 24 is as provided in ¶ 8.11(b).

**§ 8.13 Recordings of Proceedings in Magistrate Judge Cases.**

(a) **No Fee.** There is no fee for reproduction of audio tapes or CDs needed in connection with a CJA case.

(b) **Written Transcript.** If the appointed attorney requires a written transcript of the audio tape or CD, Items 1-14 of the CJA 24, Authorization and eVoucher for Payment of Transcript Form must be completed and submitted as provided in § 8.11. The following additional steps should be noted.

(1) In Item 13 of the CJA 24, in addition to the description of the proceedings to be transcribed, note that the proceedings are to be transcribed from audio tape or CD.

(2) The appointed attorney should complete and attach a copy of the completed Tape Order Form (AO 436 available from the CJA Administrator, the Clerk's Office, or can be down-loaded from the web site) to the CJA 24. This will alert the Clerk's Office that when the CJA 24 is approved by the presiding judge, the form should be returned to the attorney rather than a court reporter as described below.

(3) Following approval, the Clerk's Office will return the CJA 24 to the attorney, who may select the transcription service of the attorney's choice. The transcription service completes item 17.

(4) The appointed attorney should then sign and date Item 22 to verify receipt of the transcript and approval of the cost and forward it to the CJA Administrator for processing for payment.

(c) **Cost Comparison.** The appointed attorney should consider and compare the cost of a written transcript to the cost of any hourly fees that would be incurred to review the audio tape or CD, and select the method of least cost to the government.

**§ 8.14 Non-Court Transcript.** Written transcripts from discovery (depositions) or other non-court sources are treated as any other expense and, if in excess of the maximum amount that may be expended without prior court approval [see Appendix 2], prior authorization must be obtained from the court. [See § 10.2 for the procedure for obtaining prior approval.]

**PART IX — APPOINTED ATTORNEY & EXPERT TRAVEL**

**§ 9.1 Travel Time.**

**(a) General.**

(1) Compensation will be approved for time spent for necessary and reasonable travel. Ordinarily, allowable time for travel includes only those hours actually spent *in or awaiting transit*.

(2) For further clarification on travel time, refer to the *Guide to Judiciary Policies and Procedures*, Volume VII, Chapter II, ¶ 2.26.

**(b) Method of Travel.**

(1) Travel must be by the method of transportation that will result in the greatest advantage to the court, cost and other factors considered. In selecting a particular mode of transportation to be used, the traveler should consider energy conservation, total cost to the court, including cost of subsistence and fees, and actual transportation costs.

(2) Travel must be by the most expeditious means of transportation practicable and commensurate with the nature and purpose of the duties of the individual requiring travel.

(3) Travel, other than local, by common carrier (air, rail, or bus) will generally result in the most efficient use of energy resources and in the least costly and most expeditious performance of travel and a common carrier is to be used whenever it is reasonably available.

(4) If rail, bus or other means is selected as a personal preference, and is more costly (including travel time) than air, reimbursement will be limited to actual expenses not to exceed constructive costs of travel by air.

**(c) Appointed Attorney Time.**

(1) Travel time must include a description of the purpose of the travel, the points between which travel was made, and, for travel other than by common carrier, the mileage between the points.

(2) Time for a trip involving a round trip or trip between three or more points all occurring on the same day may be aggregated as a single entry.

**(d) Experts and Investigators.** Travel time for experts and investigators should be claimed under compensation on the CJA 21 or 31.

**(e) Travel Time Guidelines (Non-Local).** The following guidelines apply to non-local travel.

(1) If travel is by commercial air:

[A] For interstate airlines, including intrastate travel on interstate airlines, the time between the point of departure and the destination shown on the itinerary or carrier's published schedule, plus not more than two and one-half (2.5) hours;

[B] For intrastate scheduled commuter airlines, the time between the point of departure and the destination shown on the itinerary or carrier's published schedule, plus not more than one and one-half (1.5) hour; and

[C] For travel by air taxi, the time between the point of departure and the destination shown on the itinerary or carrier's published tariff, plus not more than one (1.0) hour.

(2) If travel is by other common carrier, e.g., bus or rail, the time between the point of departure and the destination as shown on the itinerary or carrier's published schedule or tariff, plus not more than one (1) hour

(3) Travel by other than a common carrier, e.g., taxi, foot, shuttle, privately owned vehicle, *etc.*, for each segment of the trip if a round trip or between three or more points, including travel to and from a terminal, depot, or station:

[A] For travel for four (4) miles or less, two-tenths (0.2) of an hour; and



[B] For travel more than four (4) miles, two-tenths (0.2) of an hour plus one-tenth (0.1) an hour for each four (4) miles, or fraction thereof, traveled in excess of four (4) miles.

(4) Travel time of more than eight (8) hours in any one day will not be approved in the absence of extraordinary circumstances.

(f) **Local Travel Time.** For travel within the Greater Anchorage Area, Fairbanks, Juneau, Ketchikan and Nome, the following guidelines apply.

(1) For attorneys with offices located in Metropolitan Anchorage (downtown, midtown) for round-trip travel to and from:

[A] The U.S. Courthouse in Anchorage or a detention facility in the Anchorage Metropolitan area, four-tenths (0.4) of an hour;

[B] A detention facility in Eagle River, eight-tenths (0.8) of an hour; or

[C] A detention facility in the Matanuska-Susitna Borough, one and six-tenths (1.6) of an hour.

(2) For attorneys with offices located in Eagle River or Chugiak for round-trip travel to and from:

[A] The U.S. Courthouse in Anchorage or a detention facility in the Anchorage Metropolitan area, eight-tenths (0.8) of an hour;

[B] A detention facility in Eagle River, four-tenths (0.4) of an hour; or

[C] A detention facility in the Matanuska-Susitna Borough, eight-tenths (0.8) of an hour.

(3) For attorneys with offices in the Matanuska-Susitna Borough for round-trip travel to and from:

[A] The U.S. Courthouse in Anchorage or a detention facility in the Anchorage Metropolitan area, one and six-tenths (1.6) of an hour;

[B] A detention facility in Eagle River, eight-tenths (0.8) of an hour; or

[C] A detention facility in the Matanuska-Susitna Borough, four-tenths (0.4) of an hour.

(4) For attorneys with offices in Fairbanks, for round trip travel to and from the U.S. Courthouse in Fairbanks, four-tenths (0.4) of an hour.

(5) For attorneys with offices in Juneau, for round trip travel to and from the U.S. Courthouse in Juneau, four-tenths (0.4) of an hour.

(6) For attorneys with offices in Ketchikan, for round trip travel to and from the U.S. Courthouse in Ketchikan, four-tenths (0.4) of an hour.

(7) For attorneys with offices in Nome, for round trip travel to and from the U.S. Courthouse in Nome, four-tenths (0.4) of an hour.

(g) **Allocation of Travel Time.**

(1) In cases where travel involves, is on behalf of, or benefits any person other than the represented party as well as the represented party, the travel time for the trip must be allocated *pro rata* between the represented party and the other person(s).

(2) A statement identifying the person(s) other than the represented party and the amount allocated to the person(s) must be attached to the CJA 20, 21, 30 or 31.

**(h) Other Use of Travel Time.**

(1) Time spent on matters other than travel while in travel status is to be a separate item on the CJA 20, 21, 30, or 31 and clearly denoted as work accomplished while in travel status.

(2) Compensation may **NOT** be claimed for time spent on other matters where the attorney claims compensation for travel time covering the same time period.

§ 9.2 *How to Claim Expenses.* For guidance in claiming daily travel expenses on the CJA eVoucher, refer to the instructions for the appropriate CJA form, i.e., CJA 20, 21, 30 or 31.

§ 9.3 *Mileage, Tolls and Parking.*

**(a) Daily Travel.** Daily travel does not require prior authorization.

**(b) Privately Owned Vehicle.** Travel by privately owned automobile is reimbursable at the rate currently prescribed for federal judiciary employees who use an automobile for the conduct of official business.

**(c) Other Reimbursable Costs.**

(1) Other reimbursable costs are parking fees, ferry boat fares, and bridge/road/tunnel tolls.

(2) Other means of transportation are to be claimed on an actual expense basis.

§ 9.4 *Air and Overnight Travel.*

**(a) Advance Approval Required.**

(1) All overnight travel and all travel by air where the cost will exceed \$150.00 must have advance judicial approval on an *Ex Parte* Travel Request and Order [see Appendix 11 for a sample form]. This Travel Request and Order combines the judge's authorization to travel and approval for funding.

(2) Travelers must travel by coach or economy class; any other arrangements must be detailed and specifically ordered by the court.

**(b) Government Rates.** CJA appointed attorneys and experts are allowed and encouraged to take advantage of government rates for travel.

(1) A special account has been established with National Travel Service (NTS) that will facilitate direct billing to the government of the authorized airfare. NTS may be contacted at any time at 1-800-445-0668 to obtain travel cost quotes.

(2) [A] If air travel expenditures cannot be made at government rates, reimbursement to the attorney or expert for the travel costs will be limited to the amount of the government rate. Government tickets are refundable due to loss, change or cancellation.

[B] If the traveler uses a non-government rate and loses the tickets or needs to change or cancel the reservations, the traveler is liable for the cost which is not reimbursable under CJA. Therefore, use of NTS is strongly encouraged.

(c) **Request and Processing.** The appointed attorney must state on the *Ex Parte* Travel Request and Order the purpose, itinerary, duration and estimated expenses for the trip.

(1) In the absence of exigent circumstances beyond the control of the appointed attorney, the completed Travel Request and Order must be submitted to the CJA Administrator not less than five (5) business days before the date travel is to commence.

(2) After review, the CJA Administrator will either return the Travel Request and Order for correction of any noted deficiencies and resubmission; or, in the absence of any deficiency, advise the appointed attorney that the Travel Request and Order may be submitted to the court.

(3) In submitting the Travel Request and Order to the court, the appointed attorney is certifying that the Travel Request and Order has been reviewed by the CJA Administrator and that all deficiencies, if any, have been corrected.

(4) If approved, the court will transmit the Travel Request Form and Order to the appointed attorney with a copy to the CJA Administrator.

[A] The CJA Administrator will transmit a Travel Authorization (see Appendix 12) to the appointed attorney, which will enable the traveler to contact NTS and make travel arrangements at government rates.

[B] If the appointed attorney is not the traveler, it is the appointed attorney's responsibility to transmit the Travel Request and Order, and Travel Authorization to the traveler.

(1) In the absence of exigent circumstances beyond the control of the attorney, the completed Travel Request and Order must be submitted to the CJA Administrator not less than three (3) business days before the date travel is to commence.

(2) Travelers must travel by coach or economy class; any other arrangements must be detailed and specifically ordered by the court.

(3) If approved, the court will transmit the Travel Request Form to the CJA Administrator.

[A] The CJA Administrator will transmit the approved Travel Request and Order (Appendix 11) and Travel Authorization (Appendix 12) to the appointed attorney, which will enable the traveler to contact NTS and make travel arrangements at government rates.

[B] If the appointed attorney is not the traveler, it is the appointed attorney's responsibility to transmit the Travel Request and Order to the traveler.

(d) **Unused Tickets.** If for any reason the traveler is unable to use the airline tickets issued by NTS, it is the traveler's responsibility to immediately return to NTS the unused tickets with a letter explaining why the tickets were not used.

(1) Provide the CJA Administrator with copies of the unused airline tickets and the letter.

(2) Unless the unused tickets are fully accounted for, the reimbursement eVoucher will not be processed.

(e) **Non-Government Special Fares.**

(1) [A] Other special, excursion, and reduced rate round-trip fares for official travel may be used (in lieu of government-contract fares and regular coach) when the traveler can determine prior to the start of a trip that this type of service is practical and more economical to the Court.

[B] Liability for penalties or costs for changes or cancellation over which the traveler had control will accrue to the traveler if a change or cancellation is due to personal preferences.

(2) [A] When attorneys or experts arrange their own travel without using the government rate, reimbursement will not exceed the contracted government coach fare.

[B] The traveler must obtain from NTS and append to the CJA 21/31 a statement of the applicable government fare.

(3) Reimbursement will be for the common carrier that is the most efficient, expeditious, and advantageous to the Court.

**(f) Travel Route.**

(1) [A] All travel must be by the usually-traveled most direct route.

[B] Reimbursement for travel by other routes will be made only when the traveler establishes official necessity.

(2) [A] When a traveler for the traveler's convenience travels by an indirect route or interrupts travel by direct route, the traveler will bear the extra expense.

[B] Reimbursement will be made only for the expenses the traveler would have incurred on the usually-traveled route.

**(g) Rental Cars.**

(1) Travel expenses are limited to those reasonably necessary; reimbursement for rental cars will normally be limited to situations where the use of shuttles, taxis or public transportation is either unavailable, or, under all the facts and circumstances, unfeasible or uneconomical.

(2) Travelers must exercise prudence in the selection of the least expensive rental vehicle necessary to adequately perform the official travel. The court will not reimburse:

[A] Personal Accident Insurance (PAI) or Personal Effects Coverage (PEC) for rental automobiles; or

[B] Add-ons or upgrades when renting an automobile, or for the excessive cost of refueling a rental car at the rental agency.

(3) A claim for rental car expenses must be supported by a statement establishing the reasonableness and necessity for the use of rental vehicle.

**(h) Frequent Traveler Programs.** Travelers are permitted to participate in frequent traveler programs for official travel. Section 1116 of the fiscal year 2002 National Defense Authorization Act, Public Law No. 107-107, allows federal contractors including CJA attorneys and experts to make personal use of frequent flyer mileage and similar travel bonuses arising from official travel. Section 1116 applies even with respect to such benefits received before the date of its enactment (12/28/2001), as well as on and after that date.

**§ 9.5 Meals and Lodging/Per Diem Rates.**

**(a) Expenses in Excess of Federal Per Diem Rates.** If the actual expenses incurred for meals and lodging while on overnight travel outside of the city/borough of the traveler's residence in the course of a CJA representation exceed the prevailing limitations governing travel and subsistence

expenses of federal judiciary employees, an explanation for the reasonableness and necessity of the excess expenses must be attached.

(1) Since the amount allowable is dependent upon the place of travel, consult with the CJA Administrator for specific per diem rates.

(2) [A] Expenses of subsistence include all reasonable charges for meals (maximum three per day); lodging; all fees and tips to waiters, porters, and hotel maids; and necessary cleaning and pressing of clothing while staying at the hotel; (specifically excluded are alcoholic beverages and entertainment expenses, e.g., in-room movies, and any expenses incurred for other persons).

[B] Expenses other than for meals or lodging, e.g., taxi fares, rental car charges, mileage, *etc.*, are not included in the per diem rate and may be claimed without regard to the per diem limitation, if receipts are provided.

(b) **Meals.**

(1) Meals are generally reimbursable only when overnight travel is authorized.

(2) "Overnight travel" for the purpose of this subsection includes travel from points in the State of Alaska to outside the State of Alaska where the travel is on a flight departing between midnight and six o'clock a.m., even if the traveler returns on the same day as the day of departure.

§ 9.6 *Travel Expense Documentation.*

(a) **Necessary Attachments to eVoucher.** Upon submission of the CJA 20, 21, 30 or 31eVoucher that covers reimbursement for the period of the authorized trip, copies of the tickets, passenger receipt, and itinerary must be attached to the eVoucher.

(1) A copy of the passenger receipt must be appended to the eVoucher together with a copy of the itinerary or published schedule showing departure and arrival times, as well as lay-over times at any way-point.

(2) If using an e-ticket, the itinerary showing the e-ticket designation must be attached to the eVoucher.

(3) When submitting an eVoucher with trip expenses, group and organize expenses and receipts by date.

(b) **Receipts Required.** With the exception of tips and mileage calculations, receipts must be submitted with eVoucher for all travel (including to and from the court) and subsistence expenses regardless of the amount incurred. ***Credit card receipts and billings are not acceptable.***

**PART X — AUTHORIZATION OF EXPENDITURES**

§ 10.1 *Initial Authorization.* The initial appointment authorizes expenditure for attorneys fees with ceilings varied by type of case as provided in Volume 7 of *Guide to Judiciary Policy & Procedures*. The details in Volume 7 include the guidelines for allowable attorney fees. For example, travel time where no other expense will be claimed is generally allowable without prior authorization order. The initial appointment also authorizes expenditure for other allowable expenses not more than the maximum amount that may be expended without prior court approval in total. [See Appendix 2 for maximum amounts and approval levels.]

§ 10.2 *Additional Expenses.*

(a) **Pre-Authorization Required.** Funding for any other expenses should be pre-authorized by motion for an order.

(1) The appointed attorney submits the motion referencing "Pursuant to CJA" in the title to the CJA Administrator.

(2) The CJA Administrator will review the motion for compliance with the requirements of applicable rules, *CJA Guidelines* and this policy manual.

[A] The CJA Administrator will return to the appointed attorney for correction and re-submission any motion that does not comply with the requirements of applicable rules, *CJA Guidelines* or this policy manual.

[B] A motion returned by the CJA Administrator will indicate those items that are not in compliance with applicable regulations, *CJA Guidelines* or this policy manual.

[C] In the event the re-submission by the attorney does not correct the deficiency(ies) noted by the CJA Administrator, the CJA Administrator will attach a memo to the Motion delineating the deficiency(ies) noted before filing the motion with the Clerk of The Court.

(3) The eVoucher submitted for expenses so authorized must contain a copy of the applicable authorization or funding order.

(b) **Funding Orders.**

(1) Funding orders signed by a district court judge are considered final and immediately served on the appointed attorney with a copy to the CJA Administrator.

(2) The Clerk of the Court will forward the original signed order to the Chief Judge of the U.S. Court of Appeals for the Ninth Circuit (or designated circuit judge) for approval, if necessary, and maintain a copy of the order approved by the Chief Judge of the Court of Appeals (or designated circuit judge).

(3) If the Chief Judge of the Court of Appeals (or designated circuit judge) disapproves the order, the Clerk's Office will immediately provide a copy of the order to the district judge to permit the judge to contact counsel, terminate further use of the services, or resolve the problem as the court finds appropriate.

(c) **Delegation of Authority to Magistrate Judges.**

(1) In district judge cases referred to a magistrate judge, unless otherwise ordered by the presiding district judge, the magistrate judge is authorized to approve:

[A] Travel Authorization Requests;

[B] Pre-approval of expenses not to exceed the maximum amount for which district court approval is authorized;

[C] Use of paralegals, law clerks, and law students not to exceed the maximum amount for which district court approval is authorized; and

[D] Funding orders for experts, interpreters, investigators or other service provider not to exceed the maximum amount for which district court approval is authorized.

(2) In any case in which the magistrate judge does not approve the expenditure, the magistrate judge will prepare and submit a report and recommendation.

(d) **Failure to Obtain Prior Approval.** An appointed attorney expending funds without prior authorization, does so at the risk of no reimbursement.

#### **PART XI — 1099 REPORTING**

The Taxpayer Relief Act of 1997 requires that the court track and report to the IRS all payments made to CJA appointed attorneys, regardless of the amount. This will be done by obtaining the Social Security number of the appointed attorney at the time of appointment, however, the Social Security number has been removed from the new CJA 20 and CJA 30 forms to protect the attorneys' privacy. If the attorney has a pre-existing agreement with his/her law firm, the 1099 will still be reported under the law firm's tax identification number and not the attorney's number. All payments, regardless of amount, including expenses reimbursed, are subject to reporting.

In certain circumstances, income should more appropriately be included on an employer's 1099 instead of the 1099 for a service provider, e.g., paralegal or investigator who is actually in the employ of an attorney. Contact the CJA Administrator in these circumstances to ensure the 1099 reporting will be reflected correctly.

## GENERAL INSTRUCTIONS/GUIDELINES FOR COMPLETING CJA eVOUCHERS

CJA eVouchers **must** contain sufficient detail to support an audit and review by the CJA Administrator and the court. The below sets forth general guidelines to be followed in preparing eVouchers. For additional guidance, see the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume 7, *Guide to Judiciary Policies and Procedures*, and the *CJA Compensation Policy Manual* for the District of Alaska (*CJA Manual*), which are available for reference in the Clerk's Office, the Federal Public Defender's Office or accessible on-line at the court's website [www.akd.uscourts.gov](http://www.akd.uscourts.gov).

In making entries in the eVoucher system, the following should be observed:

- ◆ Entries should be grouped by service type and in chronological order.
- ◆ Enter monetary amounts in dollars and cents **without** the currency sign, *e.g.*, 10.12 or 22.20.
- ◆ Enter all time in increments of a tenth of an hour, *e.g.*, 2.3 or 1.7.

***Each entry must reflect discrete individual tasks and not simply list multiple tasks performed in a specified block of time.*** [NOTE: "In-court" time is limited to time actually spent in court; it does not include travel time to and from court or time spent preparing for a court hearing or trial; those times are reported as separate out-of-court items.]

Provide a description of services in sufficient detail for the reviewing judicial officer to determine the reasonableness of the time expended in relation to the service provided.

- ★ For travel, include the places between which travel occurred and, if travel by other than common carrier, the distance in miles between the points traveled, and purpose of travel.

Example: Tvl to Seward & return to visit scene & interview witness M. Zarbo [126 miles each way]

- ★ Identify documents reviewed, including transcripts and pleadings, by title and page numbers; and, if necessary for an understanding of the task, explanation of its relevance to the proceedings.

Example 1: Review statements of witness (R. Green & T. Sawitall); note contradictory/inconsistent points [75 pages]

Example 2: Review trans of testimony of arresting officer at 7/11/03 MTS [11 pages]

Example 3: Review PSR [37 pages]

- ★ Identify documents and pleadings prepared by title and nature of the issues presented.

Example 1: Prepare MTS & memo of law re: paraphernalia seized in police raid

Example 2: Prepare reply to opp to MTD re: STA violation



- ★ Identify witnesses interviewed (if in the opinion of the appointed attorney it is inappropriate to provide the name of a witness, identification by type of witness, *e.g.*, “guilt phase witness #1” is sufficient) and topic of interview (a simple description of the general topic of discussion, not specific details, is required).

Example: Visit scene w/ and obtain stmt of M. Zarbo re: Observations in relation to actual on-site characteristics.

Example 2: Interview alibi wit #2 re: Date, time and place

- ★ Identify persons involved in telephone conversations or conferences and topics discussed (a simple description of the general topic of discussion, not specific details, is required).

Example 1: T/c AUSA re: Potential plea bargain

Example 2: Conf w/ D. Brown (atty for co-def White) re: M. Zarbo stmt impact; coordinate use of arson investigator/expert

Example 3: Review and discuss PSR w/ def

- ★ For legal research, identify specific issues or topics researched.

Example: Research extent of “special maritime jurisdiction” w/i scope of 18 USC 81

***Provide all necessary explanatory materials.*** For example, justification is required if the time expended exceeds the following guidelines.

1. Document review time is less than 60 pages/hour.

2. If travel is by commercial air:

[A] For interstate airlines, including intra-state travel on interstate airlines, the time between the point of departure and the destination shown on the itinerary or carrier’s published schedule, plus not more than two and one-half (2.5) hours;

[B] For intrastate scheduled commuter airlines, the time between the point of departure and the destination shown on the itinerary or carrier’s published schedule, plus not more than one and one-half (1.5) hour; and

[C] For travel by air taxi, the time between the point of departure and the destination shown on the itinerary or carrier’s published tariff, plus not more than one (1.0) hour.

3. If travel is by other common carrier, *e.g.*, bus or rail, the time between the point of departure and the destination as shown on the itinerary or carrier’s published, plus not more than one (1) hour.

4. Non-local travel by other than a common carrier, *e.g.*, taxi, shuttle, privately owned vehicle, *etc.*, for each segment of the trip if a round trip or between three or more points:

[A] For travel for four miles or less, two-tenths of an hour; and

[B] For travel more than four miles, two-tenths of an hour plus one-tenth an hour for each four miles, or fraction thereof, traveled in excess of four miles.

5. For attorneys with offices located in Metropolitan Anchorage (downtown, midtown) for travel to and from:

[A] The U.S. Courthouse in Anchorage or a detention facility in the Anchorage Metropolitan area, four-tenths (0.4) of an hour;

[B] A detention facility in Eagle River, eight-tenths (0.8) of an hour; or

[C] A detention facility in the Matanuska-Susitna Borough, one and six-tenths (1.6) of an hour.

6. For attorneys with offices located in Eagle River or Chugiak for travel to and from:

[A] The U.S. Courthouse in Anchorage or a detention facility in the Anchorage Metropolitan area, eight-tenths (0.8) of an hour;

[B] A detention facility in Eagle River, four-tenths (0.4) of an hour; or

[C] A detention facility in the Matanuska-Susitna Borough, eight-tenths (0.8) of an hour.

7. For attorneys with offices in the Matanuska-Susitna Borough for travel to and from:

[A] The U.S. Courthouse in Anchorage or a detention facility in the Anchorage Metropolitan area, one and six-tenths (1.6) of an hour;

[B] A detention facility in Eagle River, eight-tenths (0.8) of an hour; or

[C] A detention facility in the Matanuska-Susitna Borough, four-tenths (0.4) of an hour.

8. For attorneys with offices in Fairbanks, Juneau, Ketchikan, and Nome, for travel to and from the courthouse located in that locale, four-tenths (0.4) of an hour.

Travel Expense:

***Attach copies of all receipts, travel itineraries, schedules, and tickets. Reimbursement will be disallowed for expenses that are not itemized or for which insufficient documentation is provided.***

Receipts are *required* for all travel expenses more than \$25.00 and *encouraged* for all expenses less than \$25.00. ***Notwithstanding this policy, receipts are always required for subsistence expenses (as defined in ¶ 9.5(a)(2)[A] of the CJA Manual).***

**Attach all explanatory materials.** For example:

- ★ If the costs for meals and lodging exceeds the federal per diem rate, an explanation of the reasonableness and necessity for incurring the excess expenses is required; or
- ★ If the costs of transportation exceeds the applicable government rate, an explanation of the reasonableness and necessity for incurring the additional expense is required.

***Attach copies of all funding and/or travel authorization orders.***

**Expenses (Non-Travel):**

“Postage/Delivery” — Charges for special delivery, *e.g.*, UPS, FedEx, DHL, express mail, or messenger are included in this category.

“In-House Copies” — insert the number of pages copied, the charge per copy (not to exceed \$0.15), and the total charges (number of copies multiplied by the per copy charge).

“Outside Copying” — insert the number of pages copied and the total charge as shown on the invoice.

***Attach copies of all required receipts. Reimbursement will be disallowed for expenses that are not itemized or for which insufficient documentation is provided.***

Receipts are *required* for all non-travel expenses more than \$50.00 and *encouraged* for all expenses less than \$50.00. ***Notwithstanding this policy, receipts are always required for the following:***

1. Outside copying regardless of the amount; and
2. Premium delivery and messenger services, *e.g.*, Federal Express, UPS, *etc.*;

***Attach any necessary explanations, e.g., necessity for special delivery services.***

***Attach copies of all pre-authorization orders.***

## STANDARD ABBREVIATIONS

### TEXT ABBREVIATIONS

acq	acquittal	dft	default
ad pros	ad prosequendum	def	defendant
ad test	ad testificandum	depo	deposition
aff	affidavit	det	detention
a/k/a	also known as	disc	discovery
alt	alternative	dism	dismissed
amend	amendment	disp	dispositive
ans	answer	disq	disqualify
appear	appearance	DJ	District Judge
appl	application	dkt	docket
appt	appointment	doc	document
arr	arraignment		
assoc	association	EOP	Entry of plea
att	attachment	Et al	Et al ("and others")
atty	attorney	evid	evidentiary
		exam	examination
brf	brief	excl	excluded
		exec	executed
cal	calendar	exh	exhibit
certif	certificate	exon	exonerate
clk	clerk	exped	expedited
CJA	Criminal Justice Act	ext	extension
COB	close of business		
comm	commitment	fld	filed
cmplt	complaint	fin	final
conf	conference	FPTC	final pretrial conference
consec	consecutive	FF&CL	Findings of Facts and Conclusions of Law
consid	consideration		
consol	consolidation	fug	fugitive
cont	continued		
cy	copy of	govt	government
cnsl	counsel	GJ	Grand Jury
Ct	count		
crt	court	H/C	Habeas Corpus
crtmins	court minutes	hrq	hearing
DBA	doing business as	I/A	initial appearance
ddl	deadline	IOS	Imposition of Sentence
decl	declaration	impr	imprisonment
declar	declaratory	Indt	Indictment

I/P	In forma Pauperis	prel	preliminary
Info	Information	PSR	Presentence Report
inj	injunction	PJ	Presiding Judge
instr	instructions	PSR	Pre-Trial Services Report
interp	interpreter	PTC	Pre-Trial Conference
interrog	interrogatories	ptm	pretrial motion
intv	intervention	PTO	Pre-trial Order
iss	issued	prev	previously
		prob	probation
JP	Jury plan	prop	proposed
judg	judgment	PO	Protective Order
		psyc	psychiatric
lv	leave	publ	publication
ltr	letter	per	pursuant to
MJ	Magistrate Judge	rcpt	receipt
memo	memorandum	recd	received
MO	Minute Order	rec	record
misc	miscellaneous	ref	reference
modif	modify, modification	re:	regarding
mon	month	rls	release
mot	motion	rlsd	released
MTD	Motion to Dismiss	rpt	report
MTS	Motion to Suppress	R&R	Report and Recommendation
NG	not guilty	req	request
NLT	no later than	resp	respondent
nolo	nolo contendere	revoc	revocation
No.	Number		
		S&P	Scheduling & Planning
obj	objection	sent	sentencing
opp	opposition	svc	service
o/a	oral argument	settl	settlement
ord	order	stmt	statement
O&J#	Order and Judgment Number	stat	status
O/R	Own Recognizance	stat rpt	status report
		stip	stipulation
part	partial	subp	subpoena
pty	party	subp d/c	subpoena duces tecum
perm	permanent	sub	substitute
pet	petition	sum	summons
plf	plaintiff	Sindt	superseding indictment
prej	prejudice	Sinfo	superseding information

SR	supervised release	unexec	unexecuted
STA	Speedy Trial Act		
STP	Speedy Trial Plan	V	versus
supp	supplement	vio	violation
susp	suspended		
		war	warrant
TBC	trial by court	w/	with
TBJ	trial by jury	w/att	with attached or with
t/c	telephone conference		attachment
tele	telephonic	w/d	withdrawn
temp	temporary	w/i	within
t/f	telefax (facsimile)	w/o	without
TRO	Temporary Restraining Order	wit	witness
trans	transcript		
transp	transportation	yr	year
trl	Travel		

#### AGENCY ABBREVIATIONS

AAG	Assistant Attorney General	JBER	Joint Base Elmendorf-Richardson
APD	Anchorage Police Department		
AG	Attorney General		
AST	Alaska State Troopers	MOA	Municipality of Anchorage
AUSA	Assistant U.S. Attorney		
		NTSB	National Transportation Safety Board
BOP	Bureau of Prisons		
		SOA	State of Alaska
DEA	Drug Enforcement Agency		
DOC	Department of Corrections	TSA	Transportation Safety Administration
DOJ	Department of Justice		
EAFB	Elmendorf Air Force Base	USA	United States Attorney
		USDC	United States District Court
HSD	Homeland Security Department	USM	United States Marshal
		USPO	United States Probation Office
FBI	Federal Bureau of Investigation		
FPD	Federal Public Defender		
FTR	Fort Richardson		

## COMPENSATION MAXIMUMS

Type of Charge	Maximum <sup>1</sup>
Non-capital Felony Charge (Trial/Diversion)	\$ 9,900
Non-Capital Felony (Direct Appeal)	\$ 7,100
Misdemeanor (Trial/Diversion)	\$ 2,800
Misdemeanor (Appeal)	\$ 7,100
Non-Capital Habeas Petition	\$ 9,900
Appeal, Non-Capital Habeas Petition	\$ 7,100
18 U.S.C. § 4106A parole representation	\$ 2,100
18 U.S.C. § 4106A parole appeal	\$ 7,100
28 U.S.C. § 1875 Protection of Juror Employment (Trial)	\$ 9,900
28 U.S.C. § 1875 Protection of Juror Employment (Appeal)	\$ 7,100
18 U.S.C. § 983 Forfeiture Proceedings (Trial)	\$ 9,900
18 U.S.C. § 983 Forfeiture Proceedings (Appeal)	\$ 7,100
Other Representations	\$ 2,100

## EXPENSES/EXPERTS

Approval Level	Amount <sup>2</sup>
Without Prior Authorization	\$ 800
Prior Authorization (District Court)	\$ 801 – \$2,400
Circuit Approval Required	> \$ 2,400

<sup>1</sup> As increased by the Judicial Conference of the United States under P.L. 111-117 effective January 1, 2015. The increased statutory maximum apply to representation that was not completed before the effective date. For representation completed on or before January 1, 2015, the former statutory maximum apply. *See CJA Guidelines* § 230.23.30.

<sup>2</sup> As amended the “Federal Judicial Administration Amendments Act of 2010” (PL 111-174) effective May 27, 2010. The increased approval level for Expenses/Experts apply to representation that was not completed before the effective date. For representation completed on or before May 27, 2010, the former statutory maxima apply.





<b>MAXIMUM HOURLY RATES (NON-ATTORNEY)</b>
--

Experts (Non-testifying)	Hourly Rate
Psychiatrist/Neurologist/Medically Licensed Expert	\$275.00
Forensic Expert	\$200.00
Psychologist (with Ph.D.)	\$200.00
Accountant	\$150.00

Other Service Providers	Hourly Rate
Paraprofessional/Law Clerk/Law Student <sup>1</sup>	\$45.00
Paraprofessional/Law Clerk/Law Student (Special Skills) <sup>2</sup>	\$55.00
Investigators <sup>3</sup>	\$75.00
Document Technician	\$25.00
Mitigation Specialist	\$100.00
Language Skilled (non-certified) Interpreters <sup>4</sup>	\$55.00
Language Skilled (Certified) Interpreters <sup>5</sup>	\$65.00

---

<sup>1</sup> For services rendered prior to May 1, 2009, the maximum rates are \$25.00/hour.

<sup>2</sup> For services rendered prior to May 1, 2009, the maximum rate is \$45.00/hour.

<sup>3</sup> For services rendered prior to May 1, 2009, the maximum rate is \$65.00/hour.

<sup>4</sup> For services rendered prior to September 1, 2009, the maximum rate is \$40.00/hour. For services rendered prior to April 1, 2011, the maximum rate is \$50.00/hour.

<sup>5</sup> For services rendered prior to September 1, 2009, the maximum rate is \$50.00/hour. For services rendered prior to April 1, 2011, the maximum rate is \$60.00/hour.

**GUIDANCE TO ATTORNEYS IN DRAFTING THE MEMORANDUM REQUIRED  
FOR A COMPENSATION CLAIM IN EXCESS OF THE CASE COMPENSATION MAXIMUM**

Paragraph 230.30(b) of the *Guidelines for the Administration of the Criminal Justice Act (CJA Guidelines)*, Volume 7, *Guide to Judiciary Policies and Procedures*, provides that in any case in which the total compensation claimed is in excess of the statutory case compensation maximum, counsel will submit with the voucher a detailed memorandum supporting and justifying counsel's claim that: the representation given was in an extended or complex case, and the excess payment is necessary to provide fair compensation

Paragraph 230.23.40(b) of the *CJA Guidelines* states that a case is complex if the “legal or factual issues in a case are unusual, thus requiring the expenditure of more time, skill and effort by the lawyer than would normally be required in an average case,” and that a case is extended if “more time is reasonably required for total processing than the average case.” Paragraph 230.23.40(c) lists the following criteria as useful in determining fair compensation in extended or complex cases: Responsibilities involved measured by the magnitude and importance of the case; manner in which duties were performed; knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel; nature of counsel's practice and injury thereto; any extraordinary pressure of time or other factors under which services were rendered; and any other circumstances relevant and material to a determination of a fair and reasonable fee.

To assist counsel in writing a “detailed memorandum supporting and justifying counsel's claim that the representation given was in an extended or complex case, and that the excess payment is necessary to provide fair compensation,” the following topics are provided for counsel's consideration. Some of these issues may not apply to a particular case or may not be noteworthy for this memorandum. Counsel, of course, may address topics other than those listed below.

- ◆ Length of appointment to case; total number of in-court hours, specifying pre-trial hearings, trial, sentencing hearings, and other hearings; and total number of out-of-court hours.
- ◆ Offenses charged; number of counts charged; and other pending cases of defendant during the representation.
- ◆ Number of co-defendants.
- ◆ Length of sentencing hearing; complexity of issues; severity of potential sentence.
- ◆ Discovery materials (nature and volume) and/or discovery practices.

- ◆ Complexity or novelty of legal issues, including motions, legal memoranda, jury instructions, and sentencing documents, or legal research not resulting in such, which were drafted originally for this case (do not include standardized motions, etc., unless content was modified significantly).
- ◆ Investigation and case preparation (e.g., number and accessibility of witnesses interviewed, record collection, document organization).
- ◆ Use of investigative, expert, or other services (CJA 21 voucher).
- ◆ The following client considerations: Communication with client/family; language differences; accessibility of client; other.
- ◆ Any expense (see Item 19 of the CJA 20 voucher) greater than \$500.
- ◆ Any other noteworthy circumstances regarding the case and the representation provided to support this compensation request. Include, if applicable: negotiations with the U.S. Attorney's Office or law enforcement agency; complexity or novelty of legal issues and factual complexity; responsibilities involved measured by the magnitude and importance of the case; manner in which duties were performed and knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel; nature of counsel's practice and hardship or injury resulting from the representation; any extraordinary pressure of time or other factors under which services were rendered.

**INSTRUCTIONS FOR CJA FORM 20**  
**APPOINTMENT AND AUTHORITY TO PAY COURT APPOINTED COUNSEL**

*Read these instructions carefully before completing the CJA eVoucher Form 20. Accuracy and thoroughness will aid in the prompt payment of the claim. Items 1 through 14 will be preprinted on the form. For additional guidance, see the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume 7, *Guide to Judiciary Policies and Procedures*, and the *CJA Compensation Policy Manual* for the District of Alaska (*CJA Manual*), which are available for reference in the Clerk's Office, the Federal Public Defender's Office or accessible online at the court's website [www.akd.uscourts.gov](http://www.akd.uscourts.gov).*

Appointed counsel may obtain investigative, expert, and other services necessary for adequate representation in accordance with the procedures set forth in the Criminal Justice Act (CJA), 18 U.S.C. §3006A(e). Prior authorization from the presiding judicial officer is required for all such services where the cost, excluding expenses, will exceed \$300. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$300, unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Payment for these services should be claimed directly by the service provider on a CJA Form 21, "Authorization and Voucher for Expert and Other Services."

**SEQUENCE OF ATTACHMENTS.** Be sure that all necessary supporting statements and documentation are attached in the following sequence: (1) If an interim request, a copy of the order authorizing interim payments; (2) Excess Compensation Memorandum [CJA 26(a)], if applicable; and (3) any required supporting documentation, e.g., receipts, itineraries, *etc.* (See § 7.2, CJA Manual.)

**VOUCHERS MUST BE SUBMITTED NO LATER THAN 45 DAYS AFTER THE FINAL DISPOSITION OF THE CASE, UNLESS GOOD CAUSE IS SHOWN (§ 230.13(a), CJA GUIDELINES). ALL PAYMENTS MADE PURSUANT TO THIS CLAIM ARE SUBJECT TO POST-AUDIT; CONTEMPORANEOUS TIME AND ATTENDANCE RECORDS AS WELL AS EXPENSE RECORDS MUST BE MAINTAINED FOR THREE YEARS AFTER APPROVAL OF THE FINAL VOUCHER (§ 230.76, CJA GUIDELINES). ANY OVERPAYMENTS ARE SUBJECT TO COLLECTION, INCLUDING DEDUCTION OF AMOUNTS DUE FROM FUTURE VOUCHERS.**

**SERVICES: A separate entry must be made for *each* item of service.** (1) Enter the date the service was provided. (2) Select the service type from the drop-down menu. (3) Provide a description of the nature of the service provided sufficiently detailed to permit meaningful review (*see* § 3.3(c), *CJA Manual* and Appendix 1). (4) If the entry relates to a document in the case, e.g., document review, provide the CM/ECF docket number (if applicable) and the number of pages involved. (5) Provide the number of hours claimed (in hours and tenths of an hour) for that service on the date rendered.

**EXPENSES: A separate entry must be made for *each* expense.** (1) Enter the date the expense was incurred. (2) Select the expense type from the drop-down menu. (3) If the expense is travel by

privately owned automobile, insert the number of miles. (4) A brief description of the nature of the expense and its necessity. (5) The amount claimed.

*Travel.* See §§ 9.2–9.6, *CJA Manual*. Travel related expenses that are incidental to the representation (*e.g.*, transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls, *etc.*) are reimbursable. Attach supporting documentation (receipts, canceled checks, *etc.*) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal judiciary employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Counsel should be guided by prevailing limitations for travel and subsistence expenses of federal employees. The CJA Administrator can advise you of applicable rates and federal government travel regulations.

*Facsimile/Long Distance.* See § 7.7, *CJA Manual*.

*Photocopies.* In the description field identify the document photocopied and the number of pages copied. See § 7.6, *CJA Manual*.

*Postage.* See § 7.8, *CJA Manual*.

*Other Expenses:* See generally, Part VII, *CJA Manual*. For all other reimbursable expenses, submit supporting documentation (receipts, canceled checks, *etc.*) for single item expenses in excess of \$50. Reimbursable expenses may include, in some circumstances, payments to law students or law clerks for legal research and assistance and the cost of computer assisted legal research (CALR) when conducted by counsel. See §§ 230.63.30 and 320.70.10 of the *CJA Guidelines* for an explanation. The following are not reimbursable expenses, and should not be claimed:

1. General office overhead, such as rent, telephone services, and secretarial services.
2. Expenses for items of a personal nature for the client (*e.g.*, clothes, haircuts).
3. The cost of printing briefs. However, the cost of photocopying or similar copying service is reimbursable.
4. Fact witness fees, witness travel costs, and expenses for service of subpoenas. These expenses are not paid out of the CJA appropriation, but instead are paid by the Department of Justice pursuant to Fed. R. Crim. P. 17, and 28 U.S.C. § 1825. Contact the United States Marshal for payment procedures. See § 230.66.50 of the *CJA Guidelines* for guidance on payment of witness fees generally.
5. Filing fees. These fees are waived for persons proceeding under the CJA.
6. The cost of allowable investigative, expert, or other services. (See § 320 *et seq.* of the *CJA Guidelines*). Such services should be requested using a CJA Form 21.
7. Compensation taxes. Taxes paid on attorney compensation, whether based on income, sales or gross receipts are not reimbursable expenses.

**CLAIM STATUS:**

The person appointed by the court must certify dates of service for the representation. Indicate, where required, the date range for the services claimed on the voucher.

Indicate, by checking the appropriate box, whether the voucher is (1) the final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment is made). If an interim payment, indicate the interim payment number.

Indicate, by checking the appropriate box if you have previously applied for compensation or reimbursement, whether you were paid, and any compensation received from another source.

**DOCUMENTS:** *Attached documents must be in Adobe portable document format (.pdf), either scanned or converted.*

**CONFIRMATION/SUBMISSION:** Confirm the accuracy of the statements and submit. *See § 3.9(b), CJA Manual* for the scope of the attorney's certification.

**Item 20. APPOINTMENT TERMINATION DATE, IF OTHER THAN CASE COMPLETION:** If the appointment is discontinued by order of the court (*i.e.*, substitute counsel or reasons other than disposition of the defendant's case, such as fugitive defendant, appointment of federal defender, or retention of counsel by a defendant), give the effective date for termination of appointment.

**Item 21. CASE DISPOSITION:** Indicate case disposition for the person represented (*e.g.*, dismissed, convicted/final plea guilty, probation revoked, other, *etc.*). Select a code from the table below.

	Type of Disposition	Code
District Court Criminal and Other Proceedings	Dismissed	1
	Acquitted by court, or government motion for judgment of acquittal granted	2
	Acquitted by jury	3
	Convicted/final plea guilty	4
	Convicted/final plea nolo	5
	Convicted/court trial	8
	Convicted/jury trial	9
	Mistrial	C
	Not Guilty/insane/court trial	E
	Guilty/insane/court trial	F
	Not guilty/insane/jury trial	G
	Guilty/insane/jury trial	H
	Other (PTD matters, other reps. Transfers)	X
Appeals	Affirmed	A
	Reversed	R
	Remanded	0
	Reversed in Part/Affirmed in Part	RA
	Affirmed in Part/Reversed in Part	AR
	Dismissed	1
Probation/Parole/ Supervised Release	Revoked	RV
	Restored	RS
Habeas/Petitions/Writs	Granted	GR
	Denied	DE

<p style="text-align: center;"><b>INSTRUCTIONS FOR CJA 21</b> <b>AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES</b></p>
--

*Read these instructions carefully before completing the CJA eVoucher form. Accuracy and thoroughness will aid in the prompt payment of the claim. Items 1 through 10 and 14 will be preprinted on the form. For additional guidance, see the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume 7, Guide to Judiciary Policies and Procedures, and the *CJA Compensation Policy Manual* for the District of Alaska (*CJA Manual*), which are available for reference in the Clerk's Office, the Federal Public Defender's Office or accessible on line at the court's website [www.akd.uscourts.gov](http://www.akd.uscourts.gov).*

Refer to 18 U.S.C. § 3006A(e)(1), the *CJA Guidelines*, and the *CJA Manual* on making *Ex Parte* applications for services other than counsel.

NOTE: Prior authorization from the presiding judicial officer should be obtained for all investigative, expert, or other services where the cost (excluding reimbursement for reasonable expenses) will exceed \$800. *Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$800, unless the presiding judicial officer, finds that, in the interest of justice, timely procurement of necessary services could not await prior authorization.*

Compensation may not exceed \$1,000, excluding reasonable expenses, unless the excess amount is certified by the presiding judicial officer as necessary to provide fair compensation for services of an unusual character or duration, and the amount exceeding the statutory limit is approved by the chief judge of the court of appeals (or active appeals court judge to whom the chief judge has delegated excess compensation authority).

If prior authorization is obtained for investigative, expert or other services and later it is determined that the cost of the service will exceed the initial estimate by a significant amount, you should seek, from the presiding judicial officer, further prior authorization for the additional amount.

**SEQUENCE OF ATTACHMENTS.** Make sure that all necessary supporting statements and documents, to the extent applicable, are attached in the following order: (1) The funding order; and (2) receipts, itineraries, *etc.*

**ALL PAYMENTS MADE PURSUANT TO THIS CLAIM ARE SUBJECT TO POST-AUDIT. ANY OVERPAYMENTS ARE SUBJECT TO COLLECTION, INCLUDING DEDUCTION OF AMOUNTS DUE FROM FUTURE VOUCHERS.**

**SERVICE TYPE:** Select the type of service to be provided from the drop-down menu. If you select "Other," be sure to specify the type of service or service provider in the description. If computer assisted legal research (CALR) is checked, refer to §§ 230.63.30 and 320.60 of the *CJA Guidelines* for an explanation of the criteria and procedures for approval of CALR as a necessary service under the CJA.

**DESCRIPTION OF AND JUSTIFICATION FOR SERVICES:** Briefly, describe the nature of the services requested and the reason services are necessary to provide adequate representation.



### ***Procedures for Requesting Psychiatric and Psychological Services.***

If this is a request for an examination by a psychiatrist or psychologist, state specifically the purpose of the examination. If the examination is ordered pursuant to a statute, cite the statute (U.S. Code, title and section).

The payment procedures for psychiatric and psychological examinations are outlined below. For further information, refer to § 320.20, *et seq.* of the *CJA Guidelines*, and § 8.8 and Appendix 1 of this Manual.

1. If this is a court-ordered examination to determine, exclusively, the mental condition as set forth in 18 U.S.C. §§ 4241-4246, ***DO NOT USE THIS FORM***, regardless of who requested the examination. Examinations conducted pursuant to these statutes are considered “non-defense” purpose examinations. The costs are paid by the Department of Justice, and claims for these examinations should be submitted to the U.S. Attorney.
2. If this is an examination exclusively for a “defense” purpose (where the person represented selects the expert and controls disclosure of the report), ***USE THIS FORM***. The court order executed in Item 15 is sufficient for this purpose.
3. If this is a dual purpose examination for a “non-defense” and a “defense” purpose, ***USE THIS FORM***. For the convenience of the expert, the Administrative Office will pay the expert the total amount approved and obtain reimbursement from the Department of Justice for one-half of the total amount approved. In order for the Administrative Office to obtain this reimbursement, a separate court order authorizing the examination must be attached to the voucher when it is submitted for payment. This order should indicate (1) who requested the examination, (2) the specific purpose(s) of the examination, (3) to whom the report of the examination is directed, and (4) to whom copies of the report are to be given. This separate order is in addition to the court order at Item 15, which also must be signed and dated by the presiding judicial officer.
4. If this is a dual purpose examination for two “non-defense” purposes (*e.g.*, evaluation of competency to stand trial under 18 U.S.C. § 4241 and evaluation of sanity at the time of the offense under 18 U.S.C. § 4242), ***DO NOT USE THIS FORM***. Submit the entire claim to the U. S. Attorney for payment.

**SERVICES: A separate entry must be made for *each* item of service.** (1) Enter the date the service was provided. (2) Provide a description of the nature of the service provided sufficiently detailed to permit meaningful review (*see* § 3.3(c), *CJA Manual* and Appendix 1). (3) Provide the number of hours claimed (in hours and tenths of an hour) for that service on the date rendered and the rate of compensation.

**EXPENSES: A separate entry must be made for *each* item of expense.** (3) If the expense is travel by privately owned automobile, insert the number of miles. (4) A brief description of the nature of the expense and its necessity. (5) The amount claimed.

*Travel.* *See* §§ 9.2–9.6, *CJA Manual*. Travel related expenses that are incidental to the representation (*e.g.*, transportation, lodging, meals, car rental, parking, bridge, road and tunnel

tolls, *etc.*) must be itemized on a separate sheet, indicating dates the expense was incurred (*use the Travel Expense Worksheet*). Attach supporting documentation (receipts, canceled checks, *etc.*) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Service providers are generally limited to the travel and subsistence expenses of federal employees; actual expenses claimed in excess of the federal per diem rate must be supported by a statement justifying the necessity and reasonableness of the excess amounts claimed. The CJA Administrator can advise you of applicable rates and federal government travel regulations.

*Facsimile/Long Distance.* See § 7.7, *CJA Manual*.

*Photocopies.* In the description field identify the document photocopied and the number of pages copied. See § 7.6, *CJA Manual*.

*Postage.* See § 7.8, *CJA Manual*.

*Other Expenses.* Itemize all reimbursable out-of-pocket expenses incidental to the services provided. Provide dates and a brief description of the expense. Submit supporting documentation (receipts, canceled checks, paid invoice, *etc.*) for single item expenses of \$50 or more. Do not include general office overhead (*e.g.*, rent, telephone services, secretarial services) as reimbursable expenses.

#### **CLAIM STATUS:**

The person appointed by the court must certify dates of service for the representation. Indicate, where required, the date range for the services claimed on the voucher.

Indicate, by checking the appropriate box, whether the voucher is (1) the final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment is made). If an interim payment, indicate the interim payment number.

Indicate, by checking the appropriate box if you have previously applied for compensation or reimbursement, whether you were paid, and any compensation received from another source.

**DOCUMENTS:** *Attached documents must be in Adobe portable document format (.pdf), either scanned or converted.*

**CONFIRMATION/SUBMISSION:** Confirm the accuracy of the statements and submit. See § 3.9(b), *CJA Manual* for the scope of the attorney's certification.

MEMORANDUM

To: Chief Judge (or Delegate) \_\_\_\_\_  
United States Court of Appeals for the Ninth Circuit

Date: \_\_\_\_\_

From: \_\_\_\_\_

Subject: Advance Authorization for Investigative, Expert or Other Services

It is requested that advance authorization be granted to obtain services in an amount in excess of the maximum allowed under the provisions of subsection (e)(3) of the Criminal Justice Act, 18 U.S.C. § 3006A, **[or, for capital cases commenced, and appellate proceedings in which an appeal is perfected, on or after April 24, 1996, under 21 U.S.C. § 848(q)(10)(B),]** as follows:

Case Name & Designation \_\_\_\_\_

Name of Expert or Investigator or Service Provider: \_\_\_\_\_

Address \_\_\_\_\_

Type of Service \_\_\_\_\_

Reasons for Application \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Estimated Compensation (Non-Capital Case) \$ \_\_\_\_\_

Estimated Compensation and Expenses (Capital Case) \$ \_\_\_\_\_

Estimated Compensation and Expenses of All Investigative, Expert, and Other Services (Capital Case) \$ \_\_\_\_\_

I certify that the estimated compensation in excess of the maximum set forth in 18 U.S.C. § 3006A(e) [or, if applicable, the estimated compensation and expenses in excess of the maximum set forth in 21 U.S.C. § 848(q)(10)(B),] appears necessary to provide fair compensation for services of an unusual character or duration and therefore recommend approval of this advance authorization in the amount of \$ \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
United States District Judge  
or Magistrate Judge

APPROVAL

Advance authorization is hereby approved in the amount of \$\_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Chief Judge, United States Court of Appeals  
(or Delegate)

*Attorneys are requested to provide this instruction sheet to all experts or other service providers after an order has been signed by the judge authorizing CJA funds for defense services.*

(Insert Name of Expert)

Case No. \_\_\_\_\_

(Insert Case Number)

(Insert Rate)

(Insert Total)

### *Submission of Vouchers*

All voucher submissions for fees and expenses of investigators, experts, and other service providers are made on a CJA Form 21, "Authorization and Voucher For Expert and Other Services" or in capital cases on a form CJA Form 31, "Death Penalty Proceedings: *Ex Parte* Request for Authorization and Voucher for Expert and Other Services." All vouchers must be signed by the service provider and the attorney who requested the services. The voucher must be supported by a copy of the approved funding order authorizing employment of the person whose services are being billed and an itemized statement of the expert or service provider's time and expenses. Vouchers should be submitted at the conclusion of the services, unless interim payments are requested and approved by the trial judge and the Chief Judge of the Court of Appeals for the Ninth Circuit.

**PLEASE NOTE: Experts and service providers will not be paid in excess of the authorized amount. If it appears that the funds authorized will not be sufficient, you should immediately contact the attorney who obtained the initial funding order to obtain additional authorization. The court will not be liable for payment for funds that have not been preauthorized.**

The expert may be reimbursed for out-of-pocket expenses reasonably incurred incident to the rendering of services. Proof of payment must be submitted for any individual expense over \$50.00 by a copy of a paid receipt, copy of the canceled check, or credit card receipt. For outside photocopying, a copy of the invoice/receipt must be submitted, regardless of amount. The following additional guidelines may be helpful to the expert or service provider:

a. Case related travel by a privately owned automobile should be claimed at the current rate of rate prescribed for judiciary employees, plus parking fees, ferry fares and bridge, road and tunnel tolls. Transportation other than by a privately owned automobile should be claimed on an actual expense basis. Reimbursement for air travel is limited to coach or economy class; experts will not be reimbursed for travel in business or first class.

b. With respect to necessary travel outside the district, travel expenses, such as air fare, mileage, parking fees, meals and lodging, are claimed on an actual cost basis. Claims for reimbursement in excess of the government per diem rates must be supported by an explanation of the necessity for incurring additional expenses. If the reimbursement for expenses relating to a single trip will total an amount in excess of \$300.00, prior approval from the court must be requested. In addition, all overnight travel and all travel by airplane must have advance judicial approval. For specific details concerning per diem rates or high cost areas, consult the CJA Administrator in the Office of the Federal Public Defender.

c. Telephone toll calls, fax charges (charges as shown on phone bill), telegrams, photocopying, and photographs are considered reimbursable expenses if reasonably incurred. However, general office overhead, *e.g.*, rent, secretarial help, time spent in preparation of CJA vouchers and telephone service, is not a reimbursable expense, nor are items of personal nature.

#### ***Further questions or guidance***

If you have additional questions, you should contact the appointed attorney who obtained the initial funding order. In addition, answers to questions concerning appointments under the Criminal Justice Act can generally be found in: (1) 18 U.S.C. §3006A; (2) the Criminal Justice Act Plan of the United States District Court for the District of Alaska; (3) the *CJA Compensation Policy Manual* for the United States District Court, District of Alaska; and (4) the *Guidelines for the Administration of the Criminal Justice Act*, published by the Administrative Office of the United States Courts, available through the CJA Administrator and accessible online at the court's website [www.akd.uscourts.gov](http://www.akd.uscourts.gov). Should these references fail to provide the desired clarification or direction, contact the CJA Administrator at (907) 646-3423.

<p style="text-align: center;"><b>SUMMARY CHART</b></p> <p style="text-align: center;"><b>RESPONSIBILITY FOR PAYMENT OF PSYCHIATRIC AND RELATED EXPERT SERVICES</b></p>
---

SOURCE OF PAYMENT

Type of Service	CJA	DOJ
1. To determine mental competency to stand trial, under 18 U.S.C. §4241		
a. Examination Costs		Yes, regardless of which party requests, including examination on court's own motion
b. Testimony costs for examiner if called at hearing		Yes, regardless of which party calls
c. Testimony costs for examiner if called at trial	If witness appears on behalf of defense	If witness appears on behalf of government
2. To determine existence of insanity at time of offense, under §4242		
a. Examination costs		Yes
b. Testimony costs for examiner if called at trial		Yes, regardless of which party calls
3. To determine existence of insanity at time of offense, under CJA subsection (e)		
a. Examination costs	Yes	
b. Testimony costs for examiner if called at trial	Yes	
4. To determine mental condition of hospitalized person found not guilty only by reason of insanity, under §4243		
a. Examination costs		Yes
b. Testimony costs for examiner if called at hearing		Yes, regardless of which party calls

SOURCE OF PAYMENT

5. To determine mental condition of convicted person suffering from mental disease or defect, under §4244

Type of Service	CJA	DOJ
5. a. Examination costs		Yes
b. Testimony costs for examiner if called at hearing		Yes, regardless of which party calls

6. To determine mental condition of imprisoned person, under §4245

a. Examination costs		Yes, including costs of additional examiner selected by imprisoned person in accordance with §4247(b)
b. Testimony costs for examiner		Yes, regardless of which party calls, including additional examiner selected by imprisoned person in accordance with §4247(b)

7. To determine mental condition of hospitalized person due for release, under §4246

a. Examination costs		Yes, including costs of additional examiner selected by hospitalized person in accordance with §4247(b)
b. Testimony costs for examiner if called at hearing		Yes, regardless of which party calls, including additional examiner selected by hospitalized person in accordance with §4247(b)

8. Examination of a person in custody as a material witness

Yes, under all circumstances

9. Examination and testimony costs for expert witnesses not appointed under §§4241, 4242, 4243, 4244, 4245, 4246

If requested by the defense

If requested by the government, or if appointed as an independent expert on court's own motion under F.R. Evid. 706



**INSTRUCTIONS**  
**AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT**  
**(CJA FORM 24)**

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in prompt payment of the claim. If possible, use a typewriter to complete the form; otherwise, write legibly with a ballpoint pen (preferably black or dark blue ink). [Note: Interactive forms are available in the CJA Section of the court's website [www.akd.uscourts.gov](http://www.akd.uscourts.gov).] If the form is system generated, Items 1 through 11 will be preprinted on the form. If additional space is needed to complete an item, attach a continuation sheet to the form.

**Item 1. CIR./DIST./DIV. CODE:** This six-character court location code is the circuit, district and divisional office codes of the court where authorization is given to procure the transcript.

Anchorage: 09CAK3      Fairbanks: 09CAK4      Ketchikan: 09CAK5  
Kodiak: 09CAK6      Juneau: 09CAK1      Nome: 09CAK2

**Item 2. PERSON REPRESENTED:** Give the full name of the person whom representation is being provided (i.e., the person whom transcript services are requested). Only one name should be entered in Item 2 "Person Represented."

**Items 3-6: DOCKET NUMBERS:** Provide the case file number or the miscellaneous number of the case for which representation is provided, e.g., A03-0123 CR(JWS). Prorate the total transcript cost among the cases when costs are shared or apportioned. Cross reference all related claims for which costs are prorated or apportioned.

**Item 7: IN CASE/MATTER OF (CASE NAME):** In criminal cases, enter *U.S. vs Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the information or indictment (e.g., *U.S. vs. Lead Defendant's Name, et al.*) If the person represented is not a defendant (e.g. material witness), enter the first named defendant in the court's recording of the case. If this is a civil case (e.g., habeas corpus), enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title. If other than a criminal or civil case (i.e., miscellaneous matters), enter "*In the Matter of*" followed by *the Name of the Person Represented*.

**Item 8. PAYMENT CATEGORY:** Check the appropriate box that defines the statutory threshold for this representation type. If "Other" payment category is checked, specify the category within the scope of the Criminal Justice Act (CJA). See § 230.23.20, of the *Guidelines for the Administration of the CJA and Related Statutes (CJA Guidelines)*, Volume 7, Guide to Judiciary Policies and Procedures.

**Item 9. TYPE PERSON REPRESENTED:** Check the box that categorizes the legal status of the person represented.

**Item 10. REPRESENTATION TYPE:** From the list below, select the code that describes the type of representation:

CC	A defendant charged in a criminal case with an offense(s) that is a felony, misdemeanor, or petty offense under the U.S. Code, or an assimilated crime under a state code.
NT	A new trial either directed from the court of appeals on remand or as a result of a mistrial
MA	Motion attacking a sentence (28 U.S.C. § 2255)
MC	Motion to correct or reduce sentence (Fed. R. Crim. P. 35)
HC	Habeas Corpus, non-capital (28 U.S.C. § 2254)
BP	Bail Presentment
WI	Material Witness
WW	Witnesses (Grand Jury, a Court, the Congress, a Federal Agency, <i>etc.</i> )
PR	Probation Revocation
PA	Parole Revocation
SR	Supervised Release Hearing
EW	Extraordinary Writs ( Prohibition, Mandamus)
CH	Mental Competency Hearings ( <i>see</i> Chapter 313 of Title 18 U.S. Code)
PT	Pretrial Diversion
EX	Extradition Cases (Foreign)
Other	( <i>e.g.</i> , line ups, consultations, prisoner transfer, <i>etc.</i> )

- Item 11. OFFENSE(S) CHARGED:** Cite the U.S. Code, title and section, of the offense or offenses for which the person represented is charged. If a death penalty case, cite the charge for which the death penalty is being sought. If a civil matter, such as a capital habeas representation or motion attacking sentence, cite 28 U.S.C. § 2254 or 28 U.S.C. § 2255, respectively.
- Item 12. PROCEEDINGS IN WHICH TRANSCRIPT IS TO BE USED:** Describe briefly the nature of the proceeding or other purpose for which the transcript is required (*e.g.*, motion hearing, trial preparation, trial, appeal).
- Item 13. PROCEEDINGS TO BE TRANSCRIBED:** Describe specifically the type of proceedings to be transcribed (*e.g.*, preliminary hearing, arraignment, plea, sentencing, trial, motions, parole or probation proceedings, state court proceedings, deposition). For restrictions on trial transcripts, see Item 14.
- Item 14. SPECIAL AUTHORIZATIONS (services other than ordinary transcript):** The following services are permitted only if the judicial officer gives special authorization (initialed by the judicial officer where required on the form):
- A. *Apportionment of Transcript Cost.*** The Judicial Conference has stated that the total cost of accelerated transcript services should not be routinely apportioned among parties.

**B. Types of Transcripts:**

**NOTE: ALL BUT ORDINARY TRANSCRIPT SERVICES, TO BE DELIVERED WITHIN 30 DAYS AFTER RECEIPT OF AN ORDER, REQUIRE SPECIAL PRIOR JUDICIAL AUTHORIZATION.**

- (1) **Expedited** — to be delivered within 7 calendar days after receipt of an order.
- (2) **Daily** — to be delivered following adjournment and prior to the normal opening hour of the court on the following morning, whether or not it is an actual court day.
- (3) **Hourly** — ordered under unusual circumstances to be delivered within 2 hours.
- (4) **Realtime Unedited Transcript** — to be delivered electronically during the proceedings or immediately following adjournment.

**B. Trial Transcripts** — In the absence of special prior authorization, trial transcripts shall exclude the prosecution opening statement, the defense opening statement, the prosecution argument, the defense argument, the prosecution rebuttal, the voir dire and jury instructions.

**C. Multi-defendant Cases** — According to Judicial Conference policy, no more than one transcript should be purchased from the court reporter on behalf of CJA defendants in multi-defendant cases. Arrangements should be made for duplication of enough transcript copies, at commercially competitive rates, for each CJA defendant for whom a transcript has been approved. The cost will be paid from CJA funds. This policy does not preclude the court reporter from providing copies at the commercially competitive rate. In addition, the court may grant an exception to this policy based upon a finding that application of the policy will unreasonably impede the delivery of accelerated transcripts to persons proceeding under the CJA. *See* § 320.30.30 of the *CJA Guidelines*.

- Item 15. ATTORNEY’S STATEMENT:** The court-appointed counsel or the person proceeding *pro se* under the CJA must sign and date the affirmation statement, and print or type the signatory’s name. Check the appropriate box to designate your status as a CJA panel attorney, a retained attorney whose client is unable to afford the cost of the transcript service, a person who qualifies for representation under the CJA but who has chosen to proceed *pro se*, or an attorney from a legal organization (bar association, legal aid agency, or community defender organization not receiving a periodic sustaining grant under the CJA).
- Item 16. COURT ORDER:** This order must be signed and dated by the presiding judicial officer, indicating eligibility under the CJA. An additional court order is not necessary to authorize procurement and payment for this service.
- Item 17: COURT REPORTER/TRANSCRIBER STATUS:** Check the appropriate box that indicates the reporter’s status. Generally, this information will be provided by the court, the reporter, or the clerk.

- Item 18: PAYEE'S NAME, MAILING ADDRESS AND TELEPHONE NUMBER:** Print or type the full name and mailing address of the payee. Provide the payee's telephone number, including the area code.
- Item 19: SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE:** Provide your Social Security Number (SSN) or your Employer Identification Number (EIN) that you use to report earnings to the Internal Revenue Service (IRS).
- Item 20. TRANSCRIPT COSTS:** Cost per page for transcripts prepared by official court reporters, contract court reporters, and transcribers of taped proceedings may not exceed the rates in effect at the time the authorization. Generally, persons proceeding under the CJA may receive only the original or a copy of the transcript. Two lines for transcript costs have been provided on the form to reflect that the page rate will vary depending upon whether the party received the original or a copy, and that certain portions may be provided at a higher rate for accelerated service. (If more lines are needed to reflect these factors, attach an additional sheet and record the information in the same format as on the form.) A page of transcript shall consist of 25 lines typed on 8½ x 11 inch paper, prepared for binding on the left side, with 1¾ inch margin on the left side and a ¾ inch margin on the right side. Typing is to be 10 letters per inch. Provide the page numbers for each segment of the transcript.
- NOTE:** Claim reimbursement for only the following expenses: (1) Travel and subsistence of assistants who aid in preparation of daily or hourly transcript, if authorized in advance by the presiding judicial officer; and (2) Extraordinary delivery costs, such as courier services or express mail (regular postage is not reimbursable). Specify and attach receipts or other supporting documentation for expenses.
- Item 21. CLAIMANT'S CERTIFICATION:** Generally, the person providing the transcript services will sign this certification. However, if the transcript has been paid for, the attorney can request reimbursement for the cost on this form by signing the claimant's certification. In that event, the attorney also must be listed as the payee in Item 18, and the information required in Items 18 and 19 (SSN, payee's mailing address and telephone number) should relate to the attorney. If the 1099 should be sent to the attorney's Law Firm, indicate the TIN of the Law Firm or corporation and the Law Firm or corporate name in Item 19.
- Item 22. CERTIFICATION OF ATTORNEY OR CLERK.** The attorney's signature in Item 22 verifies that the transcript was received. Clerks of the court may verify receipt on behalf of persons proceeding *pro se*, and on behalf of all CJA parties in districts if the practice is authorized by local rule of the court.
- Item 23. APPROVED FOR PAYMENT:** After reviewing for reasonableness and compliance with the *CJA Guidelines*, the presiding judicial officer must sign and date the voucher
- Item 24. AMOUNT APPROVED.** The amount approved for payment.

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

*In re:*

UNITED STATES OF AMERICA

Case No.

v.

**CJA EX PARTE TRAVEL REQUEST AND ORDER**

Name of Traveler:

☐ Attorney    ☐ Expert

Address of Traveler:

Dates of Travel:

Destination: To:

From:

Airport if different from destination

Purpose of Travel: *(Brief explanation as to the necessity for travel, how the purpose of the trip is relevant to the facts of the case, and why the number days of travel is required.)*

**Expense Summary:**

*The following information is a summary of travel expenses to be incurred. The court will not normally reimburse expenses in excess of the government per diem rate. Please check per diem rate for the destination and verify airfare, hotel and rental car rates before submitting travel request. For current per diem rates for the locale being visited, contact the CJA Administrator.*

Description		Number of Days	Total
Per Diem Rate for Destination (Lodging & Meals)	\$		\$
Per Diem Rate for Destination (Meals Only)	\$		\$
Airline Fare		N/A	\$
Rental Car - Daily Rate	\$		\$
Miscellaneous: Taxi, Shuttles, Tolls		N/A	\$
TOTAL			\$

Submitted By:

Date:

Attorney Name/Address:

Telephone:

Fax:

e-mail:

The above estimated travel request is:

☐ APPROVED

☐ DENIED

Reason for Denial:

Dated:

\_\_\_\_\_  
United States District Court Judge/Magistrate Judge

**FEDERAL PUBLIC DEFENDER  
for  
THE DISTRICT OF ALASKA**

Rich Curtner  
Federal Public Defender

601 W. Fifth Avenue, Suite 800  
Anchorage, Alaska 99501

---

(907) 646-3400/FAX (907) 646-3480

---

[Date]

**TRAVEL AUTHORIZATION**

AUTHORIZED TRAVELER:

VOUCHER NUMBER:

AUTHORIZED TRAVEL DATE:

PURPOSE OF TRAVEL:

DESTINATION OF TRAVEL:

Pursuant to Section 702 of the Federal Courts Administration Act of 1992, Public Law 102-572, 106 Stat. 4506, you are hereby authorized to obtain government travel rates for the above described trip in connection with you providing representation under the Criminal Justice Act (CJA).

You are authorized to contact National Travel Service, (NTS) at 1.800.445.0668 to request airline reservations and airline tickets. **You must provide NTS with your Voucher Reference: "CJA:(Yr)-\_\_\_\_" and you must identify yourself as a CJA Panel attorney/expert (investigator) in the District of Alaska.**

**THIS AUTHORIZATION IS VALID FOR CHARGING AIRLINE TICKETS TO THE COURT'S ACCOUNT FOR THE ABOVE DESIGNATED AIRLINE TRAVEL ONLY. IT IS ALSO VALID FOR RECEIVING THE GOVERNMENT RATE AT HOTELS AND CAR RENTALS. THESE ARE CHARGED TO YOUR PERSONAL CREDIT CARD HOWEVER, AND YOU WILL BE REIMBURSED ON YOUR CJA 20/30 OR CJA 21/31 VOUCHER.**

A copy of this Travel Authorization as well as a copy of the airline tickets which were provided by NTS must be attached to your CJA voucher for audit purposes. Our internal accounting control number for this trip is: **CJA: \_\_\_\_**.

---

CJA GTA Account Custodian

**UNITED STATES DISTRICT COURT, DISTRICT OF ALASKA**

USDC Case No.

**STATEMENT OF TOTAL TIME AND CHARGES**

USDC Case Name:

Voucher No.

	TIME			CHARGES		
	Prior Vouchers	Current Voucher	Total	Prior Vouchers	Current Voucher	Total
Appointed Attorney						
Associate (in-House)						
Outside Counsel						
Paralegals						
Law Clerks						
<b>Totals</b>						